



**FAIRFAX COUNTY BOARD OF SUPERVISORS'**  
**2003 GENERAL ASSEMBLY**  
**FINAL LEGISLATIVE REPORT**  
Revised March 4, 2003

**Section I (Page 3-12)**  
**COUNTY INITIATIVES, PRIORITIES AND BUDGET**

- County Legislative Initiatives ..... 4
- Northern Virginia Legislative Initiatives ..... 6
- County Priorities..... 7
- State Budget – Conference Report ..... 11

**Section II (Page 13-52)**  
**STATUS OF LEGISLATION WITH BOARD POSITIONS**

- Oppose or Amend -- Passed Legislation.....14
- Support or Monitor -- Passed Legislation .....17
- Bills with Fairfax County Positions, but  
No Longer Under Consideration .....32

**Section III (53-83)**  
**OTHER LEGISLATION OF COUNTY INTEREST**

The full report is available on the Board of Supervisors Webpage at <http://www.fairfaxcounty.gov/government/board/default.htm> listed under "Programs and Reports."

For a more detailed summary, action, and wording of an individual bill please visit the Virginia Legislative Information System Website at <http://leg1.state.va.us/031/lis.htm>



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## Section I

### COUNTY INITIATIVES, PRIORITIES AND BUDGET

• County Legislative Initiatives.....	4
• Northern Virginia Legislative Initiatives.....	6
• County Priorities	
– Education Funding .....	7
– Tax Restructuring.....	7
– Land Use .....	8
– Transportation .....	9
• State Budget -- Conference Report .....	11

**Final Report to Board of Supervisors  
2003 General Assembly  
Monday, February 24, 2003**

**Section I –Report on Initiatives, Priorities and Budget**

**COUNTY LEGISLATIVE INITIATIVES**

Of those bills introduced by the County, the following passed:

**HB1857** (Scott) provides greater flexibility in the provisions of an agreement that Fairfax County may enter into with the Commonwealth Transportation Commissioner for the removal of illegal signs from highway rights-of-way. Any such agreement will have to allow certain signs to remain within the rights-of-way for a temporary period such as political signs and special events signs, and any advertising sign in place for up to three days.

**HB1881** (Amundson) expands the power of service districts to include the control of insects that may carry diseases that are dangerous to humans. This will afford the County additional resources to combat the West Nile virus.

**HB2152** (Rust) allows placement of advertising on certain transit passenger shelters provided the shelters are owned by a county and that county has authorized the advertisements. No advertisement may be placed within the right-of-way of the federal interstate system, National Highway System, or the federal-aid primary system in violation of federal law.

**HB2314** (Plum) clarifies that shoreline erosion control projects involving land-disturbing activities in those tidal waters that are under the regulatory authority of local wetlands boards, the Virginia Marine Resources Commission, or the U.S. Army Corps of Engineers are not subject to the Virginia Erosion and Sediment Control Law. However, any land-disturbing activities outside these exempted areas are subject to this law and must obtain the approval of the locality.

**HJR588** (Callahan) requests the Virginia Department of Fire Programs to study the feasibility of adopting requirements within the Commonwealth that will ensure that buildings are constructed and equipped in such a way that will permit emergency public safety personnel to utilize effective and reliable radio communications while they are within buildings. The study will assess the problem of in-building radio coverage statewide for existing buildings. The Department of Fire Programs is to complete its work by December 1, 2003 and submit an executive summary and report of its written findings and recommendations to the Governor and the 2004 General Assembly.

A related bill, **HB2529** (Almand), also passed both chambers. This bill requires the Board of Housing and Community Development to promulgate regulations as part of the Statewide Building Code requiring that new commercial, industrial and multi-family buildings, as determined by the Board, either be designed and constructed or be equipped with communications equipment so that emergency public safety personnel may send and receive emergency communications within those structures.

County initiatives that did not pass:

**HB2248** (Watts) would have allowed counties to provide for enhanced penalties for certain repeat parking offenders. It was defeated by House Transportation on a 7-12 vote.

**HB2338** (Reese) would have permitted localities to obtain possession of land prior to the completion of a condemnation proceeding for sidewalks along public streets and roads and for walkways leading to public transportation facilities. The bill was tabled in House Counties, Cities and Towns Committee by a 20-2 vote.

**HB2420** (Plum) would have added "sexual orientation" as prohibited discrimination for action by a human rights commission in Fairfax County. It was passed by indefinitely in House Counties, Cities and Towns by a 15-7 vote. The bill was also killed in committee in the 2002 and 2001 sessions.

**HB2758** and **SB911** (Rust and Whipple) would have provided a mechanism whereby the Commissioner of the Department of Motor Vehicles (DMV) would refuse to renew the vehicle registration of any applicant if the vehicle was subject to two or more unpaid parking citations that are more than 90 days delinquent. After the Senate bill was defeated in Senate Transportation on a 6-8 vote, and after a similar bill, **HB2483** (Tata) was significantly amended on the House floor, the County's House version was stricken at the request of the patron.

**HB2483**, as introduced by the City of Virginia Beach, also would have extended the power of the Commissioner of the DMV to refuse to renew motor vehicle registrations when an owner of any vehicle owes delinquent parking citations. The bill was amended on the House floor to limit the applicability to just the vehicle with the outstanding ticket(s) and to owners who reside in the particular locality issuing the tickets; the Senate added a sunset clause of July 1, 2005. The Virginia Beach bill amended the section of the Code which pertains to the withholding of vehicle registration for individuals who owe local license fees or delinquent personal property taxes.

**SB964** (Byrne) would have provided that Fairfax County could, by ordinance, make it unlawful for any person to possess a dangerous weapon upon the property of any county-owned or county-operated facility. The bill would have required that any such ordinance provide for appropriate exemptions for educational, instructional, theatrical, and historical events. Also, any such ordinance could not be applicable to public streets, roads, or highways that are within the County, but could have been made applicable to the access roads and parking areas for the facilities that were subject to the ordinance. The bill was defeated 7-8 in Senate Local Government. The patron later tried to revive the bill on the Senate Floor by attempting to add it as an amendment to **HB1516** (Black). The amendment was rejected by a vote of 11-25.

## NORTHERN VIRGINIA LEGISLATIVE INITIATIVES

The County and other Northern Virginia localities initiated several bills related to pedestrian safety and transit funding. All were killed:

### Pedestrian Safety

**HB1878** and **SB912** (Amundson and Whipple) would have allowed Northern Virginia jurisdictions, by ordinance, to require motorists to stop for pedestrians in marked crosswalks of highways with speed limits of 35 miles per hour or less. The provisions of the bill would not have applied to intersections controlled by traffic lights. **HB1878** was defeated in House Transportation by a vote of 19-3. **SB912** passed the Senate unanimously after it was amended to require posting of signs by localities notifying of the requirement to stop for pedestrians. This same bill however, was defeated in the House Transportation Committee by a vote of 13-9. A similar bill, **SB768** (Cuccinelli), was stricken by the patron in Senate Transportation in favor of **SB912**.

**HB1613** (Darner) would have required the drivers to stop and remain stopped to allow a pedestrian to cross the highway and would have prohibited drivers of other vehicles approaching the stopped vehicle from the rear from overtaking and passing the stopped vehicle. The bill would have provided that no pedestrian shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle that is so close that it is impossible for the driver to stop before colliding with the pedestrian. The patron asked that the bill be stricken in House Transportation in favor of **HB1878**.

### Transit Funding

**SB1115** (Whipple) would have increased the percentage share of monies deposited into the Commonwealth Mass Transit Fund from 14.7 percent to 19 percent. The bill was sent to the HJR 211 joint subcommittee studying Virginia's transportation allocation formula.

**HB2532** (Almand) would have increased the rate of the motor vehicle fuel sales tax from 2 percent to 4 percent. The tax is currently imposed only in the Northern Virginia Transportation District. The bill was passed by indefinitely in the House Finance Committee 15-7.

Several of the jurisdictions in the region initiated a bill similar to one passed last year by the General Assembly addressing discrimination based on genetic characteristics:

**SB836** (Howell) would have authorized a city or county to enact an ordinance allowing local commissions on human rights to investigate alleged violations of discrimination in employment practices based on genetic tests or genetic characteristics. The bill passed the Senate by a vote of 24-13 but was stricken at the request of the patron in the House Committee on General Laws.

## COUNTY PRIORITIES

Bills were introduced to address major areas of concern to local governments this Session, including legislation pertaining to growth management, funding the Standards of Quality, tax restructuring and transportation. However, none of the initiatives passed and most of the bills were “warehoused” in study commissions, several of which have met over the last several years and are scheduled to report, at the earliest, prior to the 2004 General Assembly.

### ***Education Funding***

A number of bills were submitted this Session to deal with various K-12 school funding issues -- almost all were patroned by Fairfax County legislators and all but two were either killed or tabled at the committee level.

**HB1493** (Amundson) and **SB710** (Puller), as introduced, would have added language in Standard 1 of the Standards of Quality (SOQ) to state that the quality of [K-12] education is dependent upon the appropriate learning environment “within schools built and equipped as necessary to deliver the instructional program mandated by these [SOQ]” designed to promote student achievement . . . Both bills were watered down to delete the language in quotations; the Senate bill was further changed to delete even that language.

Four bills [**HB1758** (Amundson), **HB2478** (Crittenden), **SB885** (Puller), and **HB2801** (Scott)] would have addressed school funding by authorizing the Virginia Public School Authority to issue bonds to fund grants to localities for the costs of school construction, renovation and other school infrastructure costs. All were tabled, killed or left to die in committee.

Other bills as proposed changed either the distribution of K-12 funding, the methodology used to calculate the wealth index for allocating funding, or the basis for calculating costs to include the actual costs of providing a K-12 education. Again, the bills [**HB1495 and HB1760** (Amundson), **HB2243** (Watts), **HB2389** (Albo), **SB755** (O'Brien), and **HB2435** (Dillard)] were initiated by legislators from Fairfax County, possibly reflecting the recognition of the inadequacy of State funding for K-12 education to the County and the resultant burden on local taxation to provide a quality education.

Finally, several legislators attempted to revive efforts to increase the State sales tax for education purposes. Surprisingly, one bill [**HB2433** (Dillard)] was passed by on a closed vote of 12-10 in the House Finance Committee. The bill would have provided funding for teacher salary increases and for the Joint Legislative Audit and Review Commission's (JLARC's) recommendations on SOQ funding; the other half of the funding would have been distributed to localities based on a  $\frac{1}{3}/\frac{1}{3}/\frac{1}{3}$  methodology developed last Session for similar sales tax legislation.

### ***Tax Restructuring***

There were few, if any, expectations that the General Assembly would tackle the thorny issue of local and/or State tax restructuring this Session. The issue has been studied repeatedly the past decade and “pre-election jitters” for both the House and Senate contributed to the lack of action on almost any bills related to taxation. This atmosphere of inaction did not help solve local governments’ financing issues, such as diversification of the local tax base away from the real estate tax. For example, several bills, **HB1397** (Hall) and **SB1111** (Whipple) would have granted counties equal taxing authority with cities. Both were sent to the Tax Code Commission. **SJR326** (Byrne) proposed amending the Constitution to provide that counties with a population over 200,000 would be vested with the same authority as cities; the resolution was defeated in Senate Privileges and Elections on a 4-9-1 vote.

The same hesitancy to change the status quo also resulted in a number of potentially adverse bills from advancing out of committee. For example, there were four bills [**HB1519** (Black), **HB2035** (Marshall), **SB773** (Cuccinelli), and **SB1273** (O'Brien)] and one resolution [**SJR311** (Reynolds)] which either capped local real estate tax rates or assessments. The bills were all sent by letter to the Joint Subcommittee to Study and Revise Virginia's State Tax Code; the Senate resolution, after being sent to the floor by the Privileges and Elections Committee and then amended to make its language permissive, was sent to the Finance Committee which promptly killed it on a 12-2 vote.

The debate on tax restructuring this Session then focused on whether the Tax Code Subcommittee would be continued and/or retain the same membership composition. The Senate rolled the original continuing study resolution [**SB346** (Hanger)] into **SJR347** (Hanger) which created an eight-member workgroup (3 House; 3 Senate members) to focus on previous commissions' work and to make recommendations on state/local tax restructuring and whether the cost of certain services are to be assumed by the State or localities. Members were to be appointed by the Chairmen of the Senate and House Finance Committees. The House then expanded the workgroup in **SJR347** to 13 members (7 House; 4 Senate members) and changed the appointment power back to the Speaker of the House and the Senate Privileges and Elections Committee; the House also stipulated specific matters to be addressed by the study. The House version was then rejected by the Senate on a voice vote.

Finally a compromise version of **SJR347** was worked out by a conference committee, which entitled the study group the Commission on the Revision of Virginia's State Tax Code and the Streamlined Sales Tax Project Agreement. The Commission will consist of twelve members, ten of which are legislators (6 House, 4 Senate) including the Chairmen of both House and Senate Finance Committees.

The Commission shall (i) examine the allocation of state and local government services and responsibilities; (ii) conduct a comprehensive review of the revenue impact of all tax preferences, including subtractions, deductions, credits, and exemptions; (iii) evaluate the tax rates for all major state taxes to determine their sufficiency and appropriateness in the modern economy; and (iv) consider the appropriateness of adopting the policies in the Streamlined Sales Tax Project Agreement and identify and evaluate changes that may be needed in Virginia's sales and use tax laws to facilitate Virginia's compliance with the agreement should the General Assembly decide to adopt such policies.

Technical assistance will be provided by Senate Finance and House Appropriations staff; there will be five meetings; completion of the meetings by November 30, 2003; and an executive summary of findings and recommendations no later than the first day of the 2004 Session. The executive summary will state whether the Commission intends to submit to the Governor and the General Assembly a report of its findings/recommendations for publication as a legislative document.

### ***Land Use***

The 2003 Session was similar to all past sessions where attempts to expand local governments' land use authority failed to get out of committee and were shuffled off to a study. Early during this Session, several growth management bills that would have granted localities authority to adopt adequate public facilities and impact fee ordinances were the subject of public hearings before the House Committee on Counties, Cities and Towns and Senate Local Government. Such authority is the priority of the Virginia Coalition of High Growth Communities, of which Fairfax County is a member.

The various House bills were consolidated into one substitute bill that would have granted enabling authority for the adoption of adequate public facilities and residential impact fees ordinances to localities with an annual population growth rate greater than one percent for at least 3 of the past 5 years or whose geographic boundaries are entirely within a designated ozone nonattainment area [**HB2039** (Marshall, R.G.)]. Three Senate bills [**SB1029** (Chichester), **SB1126** (Norment), and **SB1292** (Byrne)] dealing generally with adequate public facilities failed to be reported and were referred by Senate Local Government to the Commission on Growth and Economic Development. It is anticipated that this Commission will also consider **HB2039**. **SB968** (Houck), dealing with adequacy of public water supplies, also failed and was referred by Senate Local Government to the State Water Commission.



## ***Transportation***

A number of bills, mostly from the members of the Northern Virginia delegation, were introduced to amend the current transportation allocation formula. These bills were different in many ways but the primary motive was to increase Northern Virginia's share of transportation allocation. All the bills except **HB1447** (Pollard) and **HB1600** (Marshall, D.W.) were defeated, stricken, had no action taken or rolled into **HJR211** (2002 GA; Callahan). **HJR211** is the joint subcommittee studying Virginia's transportation allocation formula. **HB1447** allows secondary road allocation funds to be used for primary road projects and **HB1600** requires any money borrowed from the Transportation Trust Fund to be repaid within three years.

There were also a number of bills introduced to increase transportation funds through various means, including adding sales tax on motor fuels, indexing gas tax and increasing gas tax in Northern Virginia for transit. All the bills were defeated, or sent to **HJR211**. **HB2750** (Rollison) actually passed the House before it was defeated in Senate Finance Committee. This bill would have used the insurance premium tax attributable to automobiles to support \$1.05 billion in State bonds. Northern Virginia would have received \$350 million for designated projects.

The following chart lists all the transportation bills related to allocation and funding. The bills that did not pass, including the bills sent to **HJR211** are shaded.

**2003 General Assembly  
Transportation Bills (Allocation and Funding Related)**

<b>Bills</b>	<b>Patron</b>	<b>Description</b>	<b>Committee</b>	<b>Status</b>	<b>Position</b>	<b>Notes</b>
<b>HOUSE</b>						
1394	Lingamfelter	Secondary allocation	HTrans	HJR 211	Further Review	Allows inclusion of space occupied by military area in the Secondary Formula
1409	Black	CTB	HTrans	Stricken	Information	Change to congressional districts
1447	Pollard	Secondary Allocation	HTrans	STrans	Information	Allows Secondary Funds to be used for Primary Roads
1485	Rust	Urban and Secondary allocation	HTrans	HJR 211	Support	Changed to Area(15%),VMT(25%) and Population(60%)
1486	Rollison	Va Bridge Fund	HTrans	No Action	Oppose	Sets up separate Bridge Fund
1595	Marshall	Funds "off the top" for 3 regions	HTrans	HJR 211	Support	50m to NoVa and Hampton Rds and 20m to I-81 counties,expires 7/1/05
1600	D. Marshall	TTF	Happrop	SFin-Reported	Support	Requires repayment of money borrowed from TTF in 3 years
1852	Lingamfelter	Sales Tax to Transportation	Happrop	Inc into HB2750	Information	\$50m for NoVa and HR and \$20m for I-81
2144	Rust	Primary Allocation	HTrans	HJR 211	Support	Change to VMT/lane mile
2147	Rust	Unpaved Road Fund	HTrans	HJR 211	Support	Puts Unpaved Rd Fund into Secondary Fund
2202	Jones	Va Bridge Fund	HTrans	No Action	Oppose	Sets up separate Bridge Fund
2249	Watts	Primary Highway System Construction Fund Allocation	HTrans	HJR 211	Support	Based on VMT/Lane Mile
2532	Almand	Motor Fuels Tax from 2 to 4%	H Fin	PBI	Support	Regional Initiative - funding dedicated to transit
2560	Scott	Primary, Secondary and Urban	HTrans	HJR 211	Support	Based on number of registered vehicles
2650	Marshall	VDOT Allocation	HTrans	HJR 211	Further Review	JLARC recommendation - systems and allocation change
2673	Lingamfelter	CTB	Htrans	Tabled	Information	JLARC recommendation - 7 CTB
2718	Nutter	VDOT Allocation	HTrans	HJR 211	Oppose	Reflect cost differentials-topo,elevation,soil condition
2750	Rollison	Commonwealth Private Investment Inducement Act	Htrans	Sfin-Failed to Report	Support	Insurance Premium Tax for Transportation - \$110m/year - up to \$350m in bonds for Northern Va
<b>HJR</b>						
551	Marshall	TTF-Constitutional Amend(1st resolution)	HPrivElect	Inc into HJ645	Support	TTF firewall
590	Albo	TTF-Constitutional Amend(1st resolution)	HPrivElect	Inc into HJ645	Support	TTF Firewall
645	McDonnell	TTF-Constitutional Amend(1st resolution)	HPrivElect	Sfin-Failed to Report	Support	TTF firewall
746	Hugo	TTF-Constitutional Amend(1st resolution)	Htrans	Inc into HJ645	Support	TTF firewall
<b>SENATE</b>						
704	Miller,K	Sales Tax of Motor Fuels	S Fin	Failed to Report	Support	Adds Sales Tax statewide to Motor Fuels
1108	Whipple	Highway Safety Fund	STrans	HJR 211	Support	Sets aside 10% of the Safety Fund for bicycle and ped safety
1115	Whipple	Increases Transit share to 19%	STrans	HJR 211	Support	Regional Position
1257	Miller,K	Gas Tax Index	Sfin	No Action	Support	Based on CPI
1270	O'Brien	Allocation of Proceeds of Transportation Trust Fund	STrans	HJR 211	Further Review	After allocations for Port, Airport and Mass Transit Funds, allocates remaining TTF funds to highway construction; eliminates other funds including No.Va. Trans District Program
1271	O'Brien	Secondary Highway Construction Funds	STrans	HJR 211	Support	Based on number of registered vehicles
1297	Colgan	Northern Virginia Transportation Program Bond Act of 2003	S Fin	PBI	Further Review	Authorizes NVTA to sell \$1 billion in bonds, supported by first \$50 million in No. Va. District construction fund each year.
1342	Williams	Commonwealth Private Investment Inducement Act	STrans	STrans	Left in Strans	same as HB 2750
<b>SJR</b>						
301	O'Brien	TTF-Constitutional Amend(1st resolution)	HPrivElect	No Action by SFin	Support	TTF firewall

## STATE BUDGET – CONFERENCE REPORT

The task at hand for the Governor and the General Assembly this Session was to balance the budget by closing a \$6 billion shortfall. While the Governor preserved the core priorities of education, public safety, and “maintaining the safety net” (human services) in crafting his introduced budget, the General Assembly generally followed suit, with the exception of a further cut in HB 599 funding to local governments in FY 2004. While the General Assembly’s budget did not add other significant cuts to local governments, the cumulative impact of smaller reductions both this Session and last Session have had a negative impact on the provision of services at the local level and the ability to plan adequately for future needs.

Neither the Governor nor the General Assembly addressed the structural problem of the budget and indeed both continued the use of one-time fixes to help balance the ledger. The General Assembly appeared to go even further and created possible future budget problems through passage of legislation repealing the estate tax. The General Assembly also included in the conference report a promise of partial year raises for State employees, constitutional officers and teachers, based on projected revenue increases which may or may not materialize.

The conference report on the budget was delayed this Session because of wrangling over several disparate issues such as funding for an equine center, the Center for Innovative Technology and non-State agencies. The document was received by legislators and others on Saturday afternoon, the planned “sine die” of the Session. The following represents a highlighting of the items of interest to Fairfax County.

### ***Budget Items of Interest***

- Adoption of the House’s budget reduction for HB 599 funding in FY 2004 -- a reduction of \$5.5 million statewide and an additional cut of \$800,000 to the County (on top of a \$1.74 million County cut adopted by the 2002 GA). This action again freezes the HB 599 funding, at the FY 2003 level, which already contains a \$12.5 million statewide cut.
- Provision of \$66 million statewide for a full-year 2.25 percent salary increase for public employees, including State employees and higher education faculty and a partial year increase (as of January 1, 2004) for State-supported local employees and teachers.

Teacher salaries are provided on an “incentive” basis, contingent on certification of equivalent increases; the State money for the raises will be placed in an SOQ salary account to be known as “compensation supplements;” these are tied to an executive decision after an assessment of revenues in August 2004.

- Rejection of the House budget’s \$1.3 million decrease of funding to circuit court clerks in FY 2004, relating to exclusion of recording deeds in determining staffing needs. This would have been a significant loss of over \$560,000 to the County’s clerk.
- Rejection of the House budget’s transfer of \$2 of every \$5 per mile over the 55 mph speed limit for local fines on certain highways.
- Acceptance of House budget decreases to Commissioners and Treasurers for collection and processing of income taxes. This should not impact the County which does not process such returns.
- Direction to VDOT to allocate any transportation funds required to support debt service on FRANS issued in support of VTA projects “off the top” prior to allocations to the primary, secondary and urban systems.
- Requirement that the Secretary of Transportation report by December 30, 2003 on the best practices used by other states to improve the link between state transportation and land use planning.

While health and human service programs remain seriously under-funded by the Commonwealth, they fared better than feared in the 2003 Session. The General Assembly restored some of the reductions proposed by the Governor and compromised on significant differences between the House and Senate suggested amendments. Some of the changes to Virginia's current budget include:

- The addition of \$3.5 million from the General Fund to add 175 new mental retardation waivers. This will provide some relief to Fairfax County where 148 individuals on the waiting list are urgently in need of services.
- The addition of \$4.3 million from the General Fund to restore funding to community services boards. Of the increase, \$2.0 million is provided in FY 2003 to ensure that federal funding for substance abuse services will not be reduced.
- The addition of \$475,000 from the General Fund to restore direct services at mental retardation training centers (including the Northern Virginia Training Center) that were eliminated in the October 2002 reductions.
- The addition of \$1.5 million from the General Fund to restore services for community action agencies, AHEC's, CHIP of Virginia, and Healthy Families. Previous budget reductions had switched funding sources for these programs from General Funds to TANF funds. This addition partially restores the General Fund base for these programs.
- The provision that the Department of Juvenile Justice shall draw down Federal Title IV E funds and return \$500,000 of the federal revenues received in FY 2004 to the program services cut in the FY 2003 budget. These additional revenues would restore some funds to Fairfax County for the Girls' and Boys' Group Homes, in-home detention programs and the operation of the juvenile detention center.
- A directive that the CSA program save \$1.0 million in FY 2004 by increasing the use of Medicaid funded services whenever they are available for the appropriate treatment of children and youth under the Comprehensive Services Act.
- The reduction of funds to a number of social services programs, such as local domestic violence programs, food bank expansions, mentoring and employment training in order to save \$4.0 million in TANF funds. Language is also added requiring the Secretary of Health and Human Resources to evaluate and report on all TANF-funded projects in anticipation of changes in federal welfare reform requirements and funding in FY 2005.

#### ***Other Budget Items of Interest***

- Language authorizing the Governor to develop possible financing options for construction of a new major league baseball stadium, in the event Major League Baseball makes a conditional award of a franchise after the Reconvened 2003 Session and prior to the 2004 Session.
- Restoration of \$1.4 million for Soil and Water Conservation Districts.
- Restoration of \$2.5 million in NGF for the local litter control and recycling grants.
- Graduated phase-out of all General Fund support for the Center for Innovative Technology (CIT) -- 50 percent by FY 2005, 75 percent by FY 2007 and 100 percent beginning in FY 2007. Also included is gubernatorial authorization to withhold \$500,000 until the CIT recovers and deposits an identical amount to the General Fund.
- Reopening of twelve closed customer service DMV centers in FY 2003; also included is a reopening of all customer service centers on Wednesdays later this year.
- Funding sources to restore DMV services include: driver's license reinstatement fee increase from \$30 to \$45 (\$4.1 million); driver's license fee increase from \$15 to \$20 (\$6.5 million) and several other similar fee increases for duplicates, ID cards and commercial licenses.
- Partial restoration of funding to the Washington Airports Task Force from \$250,000 to \$370,000.

**Section II**

**LEGISLATION WITH BOARD POSITIONS**

- **Passed Bills -- Oppose or Amend .....14**
- **Passed Bills -- Support or Monitor .....17**
- **Bills with Fairfax County Positions, but  
No Longer Under Consideration .....32**

***Fairfax County Positions***  
***(Oppose or Amend)***

\* \* \*

***Passed Legislation***

## Passed Bills – Oppose or Amend

### Bill No.

### Page No.

#### ***Public Safety***

HB 1516 Control of firearms by local ordinance (Black).....16

#### ***Land Use***

HB 2509 Plat approval (McDonnell) .....16

## Passed Bills – Oppose or Amend

**HB 1516 (Black) Control of firearms by local ordinance.** Provides that no person may be prosecuted or convicted of a violation of any ordinance regulating the possession, carrying, or transportation of a firearm if he is (i) possessing, carrying or transporting a firearm without violating any provision of Title 18.2 and (ii) he has a valid concealed handgun permit issued pursuant to § 18.2-308 or (iii) he is otherwise possessing, carrying, or transporting the firearm in a lawful manner. This provision was formerly limited only to transporting the weapon. The second, and final, conference amendment to the bill clarifies that the section also applies to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail or juvenile detention facility.

01/17/03 House: Reported from M., P. & P. S. with substitute (21-Y 1-N)  
01/22/03 House: Amendment by Del. Black agreed to  
01/23/03 House: Read third time and passed House (80-Y 19-N)  
02/11/03 Senate: Reported from Local Government w/amd (9-Y 5-N 1-A)  
02/17/03 Senate: Amendment by Sen. Stolle agreed to  
02/17/03 Senate: Amendment by Sen. Byrne rejected (11-Y 25-N)  
02/17/03 Senate: Passed Senate with amendment (27-Y 10-N)  
02/19/03 House: Senate amendment rejected by House (12-Y 84-N)  
02/20/03 Senate: Senate insisted on amendment (38-Y 0-N)  
02/21/03 Senate: Conference report agreed to by Senate (29-Y 9-Y)  
02/21/03 House: Conference report agreed to by House (79-Y 19-N)  
02/21/03 Senate: Rec. of conf. report agreed to by Senate (38-Y 0-N)  
02/22/03 Senate: Conference report rejected by Senate (2-Y 37-N)  
02/22/03 Senate: Conference (2nd) report agreed to by Senate (32-Y 8-N)  
02/22/03 Senate: Rec. of 2nd conf. report agreed to by Senate (39-Y 0-N)  
02/22/03 Senate: Conference 2nd report agreed to by Senate (29-Y 11-N)  
02/22/03 House: Conference report agreed to by House (78-Y 18-N)

**Notes:** Oppose. House amendment conflicts with MHMRSA licensing criteria. House version removes power of park authorities.

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**HB 2509 (McDonnell) Plat approval.** Requires the planning commission to make a good faith effort to identify all deficiencies in a plat that cause disapproval and identify all modifications or corrections as will permit approval of the plat. The local planning commission shall act on any previously disapproved plat within 45 days of resubmittal. A circuit court petition pursuant to this section shall be given first priority on the docket.

01/31/03 House: Reported from C. C. T. with sub (19-Y 3-N)  
02/04/03 House: Read third time and passed House (93-Y 7-N)  
02/11/03 Senate: Reported from Local Government w/amd (15-Y 0-N)  
02/14/03 Senate: Passed Senate with amendments (37-Y 0-N)  
02/18/03 House: Senate amendments agreed to by House (93-Y 5-N)

**Notes:** Oppose reducing the time to act on a resubmitted plat or plan from 60 to 45 days.

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***Fairfax County Positions***  
***(Support or Monitor)***

\* \* \*

***Passed Legislation***

## Passed Bills -- Support or Monitor

### Bill No.

### Page No.

#### ***Access to Public Records/FOIA***

HB 1727	Protection of records in possession of building officials (Sherwood)	20
HB 2210	Sensitive Records Protection Act (Jones, S.C.)	24
HB 2426	Posting certain information on the Internet; prohibitions (Nixon)	25

#### ***Building Code***

HB 1678	Inspection of rental property (Rapp)	19
HB 2480	New building product regulations (Drake)	26
HB 2529	Installation of communications equipment (Almand)	27
HB 2683	Rehabilitation and maintenance of existing buildings (Van Landingham)	28

#### ***General Government***

HB 2031	Background checks in localities (Petersen)	23
HB 2701	Va. Public Procurement Act; cooperative procurement (Reid)	29
HB 2807	Transferring unincorporated area property to board of supervisors (Rapp)	30

#### ***Health***

HB 1834	Scoliosis screening for public school students (Reese)	21
HB 1972	Health; water quality analysis (Athey)	23

#### ***Human Services***

HB 1714	CSA; family assessment/planning team referral (Hogan)	20
HB 1955	State Executive Council At-Risk Youth administration (Hamilton)	22
HB 1956	Comprehensive Services; At-Risk Youth administration (Hamilton)	23

#### ***Land Use***

HB 1953	Creation of the Low Impact Development Assessment Task Force (Albo)	22
HB 2563	VDOT; conveyance of right-of-way usage (Scott)	28
HB 2600	Disclosure of proffered cash payments and expenditures by localities (Hall)	28
SB 967	Board of zoning appeals (Watkins)	31
SB 974	Removal of outdoor advertising (Trumbo)	31

#### ***Parking***

HB 1730	Regulation of parking (Albo)	20
HB 2269	Regulation of parking by localities (Rust)	24

#### ***Public Safety***

HB 1856	Definition of a firearm (Lingamfelter)	21
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#### ***Taxation***

HB 1750	Property tax exemptions (Parrish)	21
HB 2323	Real estate tax; situs for assessment of motor vehicles (Drake)	25
HB 2483	Motor vehicles; failure to pay parking citations (Tata)	26
HB 2503	Real estate appeals to Boards of Equalization and circuit court (Griffith)	27
SB 1033	Real estate tax; situs for assessment of motor vehicles (Colgan)	31

#### ***Transportation***

HB 1457	Regulation of truck traffic on secondary highways (Reese)	19
HB 1600	Repayment of diverted TTF funds (Marshall)	19
HB 1949	CTC condemnations; evidence of value (Drake)	22
HB 2799	Northern Virginia Transportation District Program (Scott)	29
SB 724	Bicycle racks on buses (Deeds)	30

#### ***Other***

HB 2097	Administration of government; Roadmap Va.'s Future (McQuigg)	24
HB 2442	SOQ; students with limited English proficiency (Dillard)	26
HB 2752	Nonindigenous Aquatic Nuisance Species Act (Plum)	29
SB 740	Information technology fees collected by circuit courts (Marsh)	30

## Passed Bills -- Support or Monitor

**HB 1457 (Reese) Regulation of truck traffic on secondary highways.** Requires the Commonwealth Transportation Board to act on formal requests from local governing bodies to restrict truck traffic on secondary highways within 9 months of receipt of such requests. This bill incorporates HB 1662 and HB 2709.

01/28/03 House: Reported from Tra. w/sub (19-Y 3-N)  
02/01/03 House: Read third time and passed House (87-Y 12-N)  
02/13/03 Senate: Reported from Transportation w/amd (15-Y 0-N)  
02/18/03 Senate: Passed Senate with amendment (40-Y 0-N)  
02/20/03 House: Senate amendment agreed to by House (91-Y 5-N)

**Notes:** Support.

\*\*\*\*\*

**HB 1600 (D.W. Marshall) Budget bill; money diverted from Transportation Trust Fund.** The Budget Bill that the Governor is required to submit to the General Assembly must include the repayment, within 3 years, of any money that such Budget Bill proposes to be diverted from the Transportation Trust Fund or the Highway Maintenance and Operating Fund and used for other purposes.

01/29/03 House: Reported from Appropriations with sub (25-Y 0-N)  
02/03/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)  
02/12/03 Senate: Reported from Finance (15-Y 0-N)  
02/14/03 Senate: Passed Senate (37-Y 0-N)

**Notes:** Support. Bill requires repayment of any funds diverted from TTF within 3 years.

\*\*\*\*\*

**HB 1678 (Rapp) Uniform Statewide Building Code; inspection of rental property.** Authorizes a local governing body to adopt ordinances to inspect residential rental property for compliance with the Building Code. The bill specifies which residential rental property can be subject to such rental inspection program, which properties may be exempted from a rental inspection program, and authorizes the local governing body to charge a fee of not more than \$50 for the inspection. The bill also provides that any ordinance adopted before July 1, 2003 shall be brought into compliance with this bill by July 1, 2004 or such previously existing ordinances shall be void. The bill contains a technical amendment.

01/30/03 House: Reported from General Laws with sub (19-Y 3-N)  
02/04/03 House: Read third time and passed House (80-Y 18-N 1-A)  
02/12/03 Senate: Reported from General Laws with sub (7-Y 5-N 2-A)  
02/19/03 Senate: Amendment by Sen. Newman agreed to  
02/19/03 Senate: Passed Senate with sub. w/amd. (21-Y 15-N 2-A)  
02/20/03 House: Senate sub. w/amd. agreed to by House (88-Y 8-N 1-A)

**Notes:** Monitor. No longer oppose because substitute bill does not affect Fairfax County. ~~4/27 Oppose. Board has historically opposed.~~

\*\*\*\*\*

## Passed Bills -- Support or Monitor

**HB 1714 (Hogan) Comprehensive Services Act; family assessment/planning team referral.** Clarifies that referrals and reviews of children and families under the Comprehensive Services Act may be done by the family and planning team (FAPT) or a collaborative, multidisciplinary team process approved by the State Executive Council. The bill also requires the department of health representative on the FAPT to serve at the request of the chair of the local community policy and management team.

01/08/03 House: Referred to Committee on General Laws

01/14/03 House: Referred to Committee on Health, Welfare and Institutions

01/28/03 House: Reported from H. W. I. w/substitute (22-Y 0-N)

01/31/03 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

02/07/03 Senate: Reported from R. & S. S. (15-Y 0-N)

02/12/03 Senate: Passed Senate (40-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

**HB 1727 (Sherwood) Protection of certain records in the possession of building officials.** Expands the current exemption under the Freedom of Information Act relating to building permit records to include critical structural components, security systems, telecommunications equipment, etc., submitted for the purpose of complying with the Uniform Statewide Building Code or the Statewide Fire Prevention Code, the disclosure of which would jeopardize the safety or security of any public or private commercial, multi-family residential or retail building or its occupants in the event of terrorism or other threat to public safety. The bill requires the owner or lessee to invoke these protections in writing, identify the drawings, plans, or other materials to be protected; and state the reasons why protection is necessary. The bill provides that nothing shall prevent disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event. The bill also requires building officials to institute procedures to ensure these sensitive records are securely stored, handled, and released in accordance with law.

01/23/03 House: Reported from General Laws with sub (22-Y 0-N)

01/29/03 House: Read third time and passed House (100-Y 0-N)

02/12/03 Senate: Reported from General Laws (15-Y 0-N)

02/17/03 Senate: Passed Senate (37-Y 0-N)

**Notes:** Monitor since bill has been amended to address staff concerns. ~~1/27 Amend to require self-certification by the applicant so that staff does not have to make a judgment whether the records are sensitive.~~

\*\*\*\*\*

**HB 1730 (Albo) Regulation of parking.** Allows Arlington, Fairfax and Prince William Counties, by ordinance, to regulate or prohibit the parking on public streets of trailers, semitrailers, vehicles with a gross weight of 12,000 pounds or more, vehicles with 3 or more axles, any vehicle designed to transport 16 or more passengers including the driver, and any vehicle of any size that is being used in the transportation of hazardous materials. This bill was amended to incorporate HB 2286 (Devolites), HB 2491 (Bolvin) and HB 2574 (Brink).

01/28/03 House: Reported from Tra. w/sub (19-Y 3-N)

02/03/03 House: Read third time and passed House (88-Y 12-N)

02/13/03 Senate: Reported from Transportation w/sub (13-Y 1-N)

02/19/03 Senate: Passed Senate with substitute (40-Y 0-N)

**Notes:** Support. HB 2286 (Devolites), HB 2491 (Bolvin) and HB 2574 (Brink) were incorporated into this bill.

\*\*\*\*\*

## Passed Bills -- Support or Monitor

**HB 1750 (Parrish) Property tax exemptions.** Specifies the process localities must follow to exempt from real or personal property taxes the property of certain charitable and other related organizations. The legislation stemmed from the constitutional amendment that took effect on January 1, 2003, giving localities the authority to grant such exemptions subject to restrictions and conditions set by the General Assembly. The bill has an emergency effective date of January 1, 2003.

01/20/03 House: Reported from Finance with amd (21-Y 1-N)  
01/23/03 House: Read third time and passed House (98-Y 1-N)  
02/05/03 Senate: Reported from Finance with amendments (14-Y 0-N)  
02/07/03 Senate: Passed Senate with amendments (39-Y 0-N)  
02/11/03 House: Senate amendments agreed to by House (99-Y 0-N)

**Notes:** Monitor.

\*\*\*\*\*

**HB 1834 (Reese) Scoliosis screening for public school students.** Directs school principals to provide parent educational information or to implement a program of regular screening for scoliosis for pupils in grades 5 through 10, unless such students are pupils admitted for the first time to a public school and have been tested as part of the required comprehensive physical examination, or the parents of such students have indicated their preference that their children not participate in such screening. Local school boards are to develop procedures for parents to indicate their preference.

The Board of Education is to promulgate regulations for the implementation of the screening program, which shall address, but shall not be limited to, requirements and training for school personnel and volunteers who may conduct such screenings; procedures for the notification of parents when evidence of scoliosis is detected; and such other provisions as the Board deems necessary. Local divisions may seek volunteers from among health care professionals.

01/20/03 House: Reported from Education with amendments (21-Y 1-N)  
01/23/03 House: Read third time and passed House (87-Y 12-N)  
02/10/03 Senate: Reported from Ed. & H. with amendment (15-Y 0-N)  
02/14/03 Senate: Passed Senate with amendment (37-Y 0-N)  
02/18/03 House: Senate amendment agreed to by House (89-Y 6-N)

**Notes:** Monitor since bill was amended. ~~1/17 Amend to remove responsibility from Health Department to school system.~~

\*\*\*\*\*

**HB 1856 (Lingamfelter) Definition of a firearm.** Conforms the definitions of "firearm" in Title 18.2 to be consistent with the definition of "firearm" in Title 29.1; it essentially replaces "explosion" with "by action of an explosion of a combustible material," and removes references to weapons in which ammunition may be discharged by pneumatic pressure from several definitions or uses of "firearm" throughout the Code.

01/24/03 House: Reported from M., P. & P. S. with amendments (21-Y 0-N)  
01/29/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)  
02/05/03 Senate: Reported from Courts of Justice w/amds (11-Y 1-N 3-A)  
02/10/03 Senate: Passed Senate with amendments (38-Y 2-N)  
02/12/03 House: Senate amendments agreed to by House (99-Y 0-N)

**Notes:** Monitor, no longer oppose because it was amended to restore the County's authority to regulate BB guns. ~~1/27 oppose.~~

\*\*\*\*\*

## Passed Bills -- Support or Monitor

**HB 1949 (Drake) Commonwealth Transportation Commissioner condemnations; evidence of value.** Provides that where an entire parcel of land improved with a dwelling or a building used for commercial purposes is acquired by the filing of quick-take condemnation certificate, the property owner gets to keep the full amount of money posted with the certificate, even where a trial sets a lesser value.

01/31/03 House: Reported from C. J. with substitute (21-Y 0-N)

02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/17/03 Senate: Reported from Courts of Justice (14-Y 0-N)

02/18/03 Senate: Passed Senate (40-Y 0-N)

**Notes:** Monitor. No longer oppose because bill was significantly amended in the House to provide that, in a quick-take condemnation of an entire parcel improved with a dwelling or building from which a business is being run, the property owner gets to keep the amount of money shown on the certificate, even where a trial sets a lesser value. ~~1/27 Oppose. The original version of the bill would have precluded the condemning authority from introducing evidence at trial of a lesser value than the amount of the certificate.~~

\*\*\*\*\*

**HB 1953 (Albo) Creation of the Low Impact Development Assessment Task Force.** Requires the Director of the Department of Environmental Quality to appoint a Low Impact Development Assessment Task Force. The 11-member task force shall operate as an entity within the Department. The task force shall (i) develop a certification process for low impact development techniques in achieving quantifiable pollution prevention or abatement results, (ii) develop such other guidance for local governments and the general public as necessary to promote a more complete understanding of the most effective use of low impact development techniques, (iii) recommend changes to existing statutes and regulations to facilitate the use of low impact development techniques, and (iv) develop a model ordinance for use by local governments. For purposes of this section, "low impact development" means a site-specific system of design and development techniques that can serve as an effective, low-cost alternative to existing stormwater and water quality control methods and that will reduce the creation of storm runoff and pollution and potentially reduce the need to treat or mitigate water pollution. The Taskforce shall continue in existence until it has submitted its final report.

01/15/03 House: Reported from A., C. & N. R. w/amendments (22-Y 0-N)

01/21/03 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

02/10/03 Senate: Reported from A. C. & N. R. w/amd (15-Y 0-N)

02/12/03 Senate: Passed Senate with amendment (40-Y 0-N)

02/14/03 House: Senate amendment agreed to by House (97-Y 1-N)

**Notes:** Support, bill was amended. ~~1/27 Support with amendment to expand membership of the Low Impact Development Assessment Task Force to include local government representatives from VACo and VML.~~

\*\*\*\*\*

**HB 1955 (Hamilton) Administration of government; State Executive Council At-Risk Youth.** Designates the Secretary of Health and Human Resources, or a designated deputy, to chair the Executive Council. The chairman is currently elected from among its member representatives.

01/30/03 House: Reported from General Laws (22-Y 0-N)

02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/12/03 Senate: Reported from General Laws (15-Y 0-N)

02/17/03 Senate: Passed Senate (37-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

## Passed Bills -- Support or Monitor

**HB 1956 (Hamilton) Administration of government; Comprehensive Services; At-Risk Youth.** Requires that the chairman of the state and local advisory team for CSA shall be elected from among the local government representatives.

01/30/03 House: Reported from General Laws (22-Y 0-N)

02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/12/03 Senate: Reported from General Laws (15-Y 0-N)

02/17/03 Senate: Passed Senate (37-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

**HB 1972 (Athey) Health; water quality analysis.** Adds Warren and Goochland Counties to the list of localities that may, by ordinance, establish testing requirements for compliance with federal and state drinking water quality standards pursuant to 12-VAC-5-630 for building permit applicants that propose to use private ground water wells.

01/28/03 House: Reported from H. W. I. w/amendments (22-Y 0-N)

01/31/03 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

02/13/03 Senate: Reported from Ed. & H. with amendment (15-Y 0-N)

02/19/03 Senate: Amendment by Sen. Norment agreed to

02/19/03 Senate: Passed Senate with amendments (40-Y 0-N)

02/20/03 House: Senate amendments agreed to by House (98-Y 0-N)

**Notes:** Monitor. Bill was amended to reinsert compliance with federal standards. ~~2/10 Amend to reinsert compliance with federal standards.~~

\*\*\*\*\*

**HB 2031 (Petersen) Background checks in localities.** Allows localities to require applicants for employment to submit to fingerprinting and to provide information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. If an applicant is denied employment because of information appearing in his criminal history record, the locality shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided for in this section.

01/17/03 House: Reported from M., P. & P. S. with amendment (22-Y 0-N)

01/22/03 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

02/11/03 Senate: Reported from Local Government w/sub (15-Y 0-N)

02/14/03 Senate: Passed Senate with sub. w/amds. (37-Y 0-N)

02/18/03 House: Senate sub. w/amds. agreed to by House (96-Y 0-N)

**Notes:** Support. Similar to HB 2373 (Sherwood).

\*\*\*\*\*



## Passed Bills -- Support or Monitor

**HB 2097 (McQuigg) Administration of government; long-term planning; Roadmap Va's Future.** Establishes long-term, results based planning for state government through the implementation of the "Roadmap for Virginia's Future" process.

01/30/03 House: Reported from General Laws with sub (22-Y 0-N)  
02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)  
02/12/03 Senate: Reported from General Laws with sub (15-Y 0-N)  
02/17/03 Senate: Passed Senate with substitute (37-Y 0-N)  
02/19/03 House: Senate substitute rejected by House (1-Y 97-N)  
02/21/03 House: Conference report agreed to by House (97-Y 0-N)  
02/21/03 Senate: Conference report agreed to by Senate (39-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

**HB 2210 (Jones, S.C.) Sensitive Records Protection Act; penalty.** Provides that the Governor or agencies acting on his behalf may receive information, voluntarily submitted from both public and nonpublic entities, related to the protection of the nation's critical infrastructure sectors and components that are located in Virginia or affect the health, safety, and welfare of the citizens of Virginia. The bill provides that information submitted by any public or nonpublic entity in accordance with the procedures set forth in subdivision A 57 of § 2.2-3705 shall not be disclosed unless: (1) it is requested by law-enforcement authorities in furtherance of an official investigation or the prosecution of a criminal act; (2) the agency holding the record is served with a proper judicial order; or (3) the agency holding the record has obtained the written consent to release the information from the entity voluntarily submitting it.

01/30/03 House: Reported from General Laws with sub (22-Y 0-N)  
02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)  
02/12/03 Senate: Reported from General Laws (15-Y 0-N)  
02/17/03 Senate: Passed Senate (37-Y 0-N)

**Notes:** Monitor since substitute bill adopted by the House poses no problems. ~~1/27-Amend to conform to HB 1727 provided HB 1727 is amended as recommended.~~

\*\*\*\*\*

**HB 2269 (Rust) Regulation of parking by localities.** Expands the authority of all localities to regulate parking.

01/28/03 House: Reported from Tra. w/sub (22-Y 0-N)  
02/01/03 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)  
02/06/03 Senate: Reported from Transportation (14-Y 0-N)  
02/11/03 Senate: Passed Senate (40-Y 0-N)

**Notes:** Support. Bill has been amended to delete references to permit parking districts and to make current statute applicable statewide.

\*\*\*\*\*



## Passed Bills -- Support or Monitor

**HB 2323 (Drake) Real estate tax; situs for assessment of motor vehicles.** Clarifies that the situs for assessment purposes of business vehicles is the locality in which the business' owner has a definite place of business and in which he directs or controls the use of such vehicles, provided he has sufficient evidence that he has paid the tax to such locality.

01/29/03 House: Reported from Finance with sub (22-Y 0-N)  
02/03/03 House: Read third time and passed House (99-Y 0-N)  
02/11/03 Senate: Reported from Finance (15-Y 0-N)  
02/13/03 Senate: Passed Senate (38-Y 0-N 1-A)

**Notes:** Monitor. ~~4/27 Oppose~~. Same as SB1033.

\*\*\*\*\*

**HB 2426 (Nixon) Posting certain information on the Internet; prohibitions.** Provides that beginning July 1, 2004, no court clerk shall post on a court-controlled website any document that contains the following information: (i) an actual signature; (ii) a social security number; (iii) a date of birth identified with a particular person; (iv) the maiden name of a person's parent so as to be identified with a particular person; (v) any financial account number or numbers; or (vi) the name and age of any minor child. Each clerk shall post notice that includes a list of the documents routinely posted on its website. The bill provides that nothing in this section shall be construed to prohibit access to any original document as provided by law.

The new section is not applicable to:

1. Providing remote access to any document by means of a network or system that is certified by the Department of Technology Planning to be secure and to provide for restricted access pursuant to security standards developed in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, the Compensation Board, interested citizens, and users of land and other court records. Such standards shall include, but not be limited to, a requirement, as a precondition for access, for registration by users in person or by means of a notarized or otherwise sworn application that establishes the prospective user's identity; purpose of access, business or residence address, and citizenship status;
2. Postings related to legitimate law-enforcement purposes;
3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events; and
4. Postings of instruments and records filed or recorded prior to 1902.

The bill has a sunset of July 1, 2005.

01/28/03 House: Reported from General Laws with sub (14-Y 8-N)  
01/31/03 House: Amendment by Del. Nixon agreed to  
01/31/03 House: Motion to refer to Appropriations committee rejected  
02/01/03 House: Read third time and passed House (68-Y 29-N 1-A)  
02/12/03 Senate: Reported from General Laws with sub (14-Y 1-N)  
02/18/03 Senate: Amendment #1 by Sen. Bolling agreed to  
02/18/03 Senate: Amendment #2 by Sen. Bolling agreed to (21-Y 19-N)  
02/19/03 Senate: Passed Senate with substitute (36-Y 3-N)  
02/20/03 House: Senate sub. w/amds. agreed to by House (91-Y 8-N)

**Notes:** Monitor. Passed version will allow Fairfax County to be exempt from the restrictions, for now. However, note that a statement of purpose for the access of the records will now be required for restricted access Internet systems. ~~2/10 Amend to exempt Fairfax County's subscriber based secure access program.~~

\*\*\*\*\*

## Passed Bills -- Support or Monitor

**HB 2442 (Dillard) Students with limited English proficiency; Standards of Quality.** Amends the Standards of Quality to require school boards to identify students with limited English proficiency and enroll these students in appropriate instructional programs and to require state funding, pursuant to the appropriation act, for 10 full-time equivalent instructional positions for each 1,000 students identified as having limited English.

01/22/03 House: Reported from Education (21-Y 0-N)  
01/29/03 House: Reported from Appropriations with sub (25-Y 0-N)  
02/03/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)  
02/10/03 Senate: Reported from Education and Health (14-Y 1-N)  
02/13/03 Senate: Passed Senate (36-Y 2-N)

**Notes:** Support.

\*\*\*\*\*

**HB 2480 (Drake) Uniform Statewide Building Code; regulations; new building products.** Authorizes the Board of Housing and Community Development (the Board), upon finding that sufficient allegations exist regarding failures noted in several localities of performance standards by either building materials, methods, or design, to conduct hearings on such allegations if it determines that such alleged failures, if proven, would have an adverse impact on the health, safety, or welfare of the citizens of the Commonwealth. After at least 21 days' written notice, the Board shall convene a hearing to consider such allegations. Such notice shall be given to the known manufacturers of the subject building material and as many other interested parties, industry representatives, and trade groups as can reasonably be identified. Following the hearing, the Board, upon a finding that (i) the current technical or administrative Code provisions allow use of or result in defective or deficient building materials, methods, or designs, and (ii) immediate action is necessary to protect the health, safety, and welfare of the citizens of the Commonwealth, may issue amended regulations establishing interim performance standards and Code provisions for the installation, application, and use of such building materials, methods, or designs in the Commonwealth. Such amended regulations shall become effective upon their publication in the Virginia Register of Regulations and shall be effective for a period of 24 months or until adopted, modified, or repealed by the Board.

01/23/03 House: Reported from General Laws (22-Y 0-N)  
01/29/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)  
02/05/03 Senate: Reported from General Laws (14-Y 0-N)  
02/10/03 Senate: Passed Senate (40-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

**HB 2483 (Tata) Motor vehicles; failure to pay parking citations.** Extends the power of the Commissioner of the Department of Motor Vehicles to refuse to renew motor vehicle registrations when an owner of a vehicle owes delinquent parking citations to the locality where it is registered. There is a sunset clause of July 1, 2005.

01/21/03 House: Reported from Tra. (13-Y 6-N)  
01/28/03 House: Amendment by Del. Tata agreed to  
01/30/03 House: Read third time and passed House (63-Y 37-N)  
02/13/03 Senate: Reported from Transportation w/amds (15-Y 0-N)  
02/18/03 Senate: Passed Senate with amendments (40-Y 0-N)  
02/20/03 House: Senate amendments agreed to by House (78-Y 20-N)

**Notes:** Support; bill no longer parallels County initiative, but would provide authority to withhold vehicle registration for localities not using decal.

\*\*\*\*\*

## Passed Bills -- Support or Monitor

**HB 2503 (Griffith) Real estate appeals to Boards of Equalization and circuit court.** Makes several changes to the current process for appealing real estate assessments. For purposes of appeals to a board of equalization, the bill provides that there shall be a presumption that the valuation of real estate as determined by the local assessing officer is correct, and the taxpayer must produce substantial evidence that the valuation of his real estate is erroneous and was not arrived at in accordance with generally accepted appraisal practice in order to receive relief from the board. The bill does not change current law in regard to the burden of proof and standard of proof that a taxpayer must produce in circuit court.

The bill permits taxpayers to make fair market value appeals to a board of equalization. It also limits to 9 the number of years of consecutive service that a person may sit as a member of a board of equalization. Thirty percent of the members of boards of equalization shall be commercial or residential real estate appraisers, other real estate professionals, builders, developers, or legal or financial professionals, and at least 1 member shall sit in all appeals involving commercial, industrial or multi-family residential property, unless waived by the taxpayer. The bill also requires each member of a board of equalization to take continuing education instruction at least once in every 4 years of service as a member of such board.

The bill provides a three-year statute of limitations for appealing real estate tax assessments to all circuit courts. In general, there is a three-year statute of limitations under current law; for those six localities that have a one-year statute of limitations pursuant to specific law, a phase in was adopted, so that in five years, a one year statute of limitations will apply there, as well. In addition, for those localities the taxpayer cannot make application for other than the current year unless that person has provided to the assessor or commissioner or governing body written notice of disagreement with the assessment.

The bill has an effective date of January 1, 2004.

01/24/03 House: Reported from C. C. T. with amendment (15-Y 6-N)  
01/29/03 House: Amendments by Del. Hull agreed to  
01/30/03 House: Read third time and passed House (84-Y 16-N)  
02/11/03 Senate: Reported from Local Government w/amd (15-Y 0-N)  
02/14/03 Senate: Passed Senate with amendment (36-Y 1-N)  
02/18/03 House: Senate amendment rejected by House (32-Y 63-N 1-A)  
02/20/03 Senate: Senate insisted on amendment (39-Y 0-N)  
02/22/03 House: Conference report agreed to by House (77-Y 22-N)  
02/22/03 Senate: Conference report agreed to by Senate (29-Y 10-N 1-A)

**Notes:** Support as written.

\*\*\*\*\*

**HB 2529 (Almand) Uniform Statewide Building Code; installation of communications equipment for emergency public safety personnel.** This bill requires the Board of Housing and Community Development to promulgate regulations as part of the Statewide Building Code requiring that new commercial, industrial and multi-family buildings, as determined by the Board, either be designed and constructed or be equipped with communications equipment so that emergency public safety personnel may send and receive emergency communications within those structures.

01/30/03 House: Reported from General Laws with sub (22-Y 0-N)  
02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)  
02/12/03 Senate: Reported from General Laws (15-Y 0-N)  
02/17/03 Senate: Passed Senate (37-Y 0-N)

**Notes:** Support; related to County initiative.

\*\*\*\*\*

## Passed Bills -- Support or Monitor

**HB 2563 (Scott) Va. Department of Transportation; conveyance of right-of-way usage.** Provides that no land use permit will be issued by the Department of Transportation to any company other than a public service company or a franchised cable television systems operator unless the company has (i) registered as an operator with the appropriate notification center and (ii) notified the commercial and residential developer, owner of commercial or multifamily real estate, or local government entities with a property interest in any parcel of land located adjacent to the property over which the land use is being requested, that application for the permit has been made.

01/28/03 House: Reported from Tra. w/sub (22-Y 0-N)  
02/01/03 House: Passed House BLOCK VOTE (99-Y 0-N)  
02/06/03 Senate: Reported from Transportation w/amd (14-Y 0-N)  
02/11/03 Senate: Passed Senate with amendment (40-Y 0-N)  
02/14/03 House: Senate amendment agreed to by House (97-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

**HB 2600 (Hall) Disclosure of proffered cash payments and expenditures by localities.** Excludes localities with a population of 3,500 or less from certain reporting requirements related to cash proffers. Also, localities will be required to break down reported cash proffer expenditure information by category.

1/31/03 House: Reported from C. C. T. with sub (22-Y 0-N)  
02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)  
02/11/03 Senate: Reported from Local Government (15-Y 0-N)  
02/14/03 Senate: Passed Senate (37-Y 0-N)

**Notes:** Monitor since bill was amended to address staff concerns. ~~1/17 Amend to add a classification for affordable housing, change "off-site road improvements" to "road and other transportation improvements," and to reinsert stricken language on line 33.~~

\*\*\*\*\*

**HB 2683 (Van Landingham) Uniform Statewide Building Code; rehabilitation and maintenance of existing buildings.** Allows the Board of Housing and Community Development to establish a modification provision in the Uniform Statewide Building Code to facilitate the rehabilitation of existing buildings and structures including procedures to be used by local building departments in the evaluation and granting of modifications for any provisions of the Building Code.

01/30/03 House: Reported from General Laws with amd (21-Y 0-N)  
02/04/03 House: Amendments by Del. Griffith agreed to  
02/04/03 House: Passed House (95-Y 0-N)  
02/12/03 Senate: Reported from General Laws with amd (15-Y 0-N)  
02/17/03 Senate: Passed Senate with amendment (37-Y 0-N)  
02/19/03 House: Senate amendment agreed to by House (99-Y 0-N)

**Notes:** Monitor. SGL amendment continues to protect the Building Code public process. ~~1/27 Oppose, because, as introduced, the bill would allow the Department of Housing and Community Development to change the building code outside of the public process.~~

\*\*\*\*\*

## Passed Bills -- Support or Monitor

**HB 2701 (Reid) Virginia Public Procurement Act; cooperative procurement.** Clarifies that except for contracts for professional services, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies.

01/28/03 House: Reported from General Laws (22-Y 0-N)  
01/31/03 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)  
02/12/03 Senate: Reported from General Laws (15-Y 0-N)  
02/17/03 Senate: Passed Senate (37-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

**HB 2752 (Plum) Nonindigenous Aquatic Nuisance Species Act.** Creates the Nonindigenous Aquatic Nuisance Species Act within the Department of Game and Inland Fisheries. This bill declares the zebra mussel, the quagga mussel, and northern snakehead fish as nonindigenous aquatic nuisance species. This bill authorizes the Board of Game and Inland Fisheries to declare other nonindigenous aquatic nuisance species if it finds that the presence of such nonindigenous aquatic species in state waters poses or is likely to pose a significant threat of harm. This bill makes it illegal to knowingly import, possess, transport, sell, purchase, give, receive, or introduce into state waters, any nonindigenous aquatic nuisance species without a permit from the Director. Permits may be issued for research by recognized academic institutions or government agencies upon receiving satisfactory assurance that adequate safeguards will be maintained to prevent the escape or introduction of any such species into state waters. Any person who violates this Article or who knowingly obstructs the Director in carrying out his duties, shall (i) be subject to a civil penalty of not more than \$25,000, and (ii) be liable for the costs of investigation, control, and eradication incurred by any state agency or local government of the Commonwealth as a result of such unlawful conduct.

01/29/03 House: Reported from A., C. & N. R. w/substitute (20-Y 2-N)  
02/01/03 House: Read third time and passed House (98-Y 0-N)  
02/10/03 Senate: Reported from A. C. & N. R. w/amd (15-Y 0-N)  
02/12/03 Senate: Passed Senate with amendment (40-Y 0-N)  
02/14/03 House: Senate amendment agreed to by House (99-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

**HB 2799 (Scott) Northern Virginia Transportation District Program.** Designates one additional project to be financed by bonds authorized to be issued for certain projects in the Northern Virginia Transportation District Program and reduces the funding for another project by an equal amount.

01/27/03 House: Referred from Finance (22-Y 0-N)  
01/29/03 House: Reported from Appropriations (25-Y 0-N)  
02/03/03 House: Read third time and passed House (97-Y 2-N)  
02/12/03 Senate: Reported from Finance (15-Y 0-N)  
02/14/03 Senate: Passed Senate (37-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

## Passed Bills -- Support or Monitor

**HB 2807 (Rapp) Transferring property of unincorporated area; to board of supervisors.** Transfers the property, duties, rights, and contractual obligations of trustees to the board of supervisors of the county where the area is located, confirms that any such unincorporated area is part of the county in which it is located, and provides that the trustees shall be deemed to have completed their terms of service and be dissolved.

01/31/03 House: Reported from C. C. T. with amendments (20-Y 1-N)  
02/04/03 House: Read third time and passed House (93-Y 5-N 1-A)  
02/11/03 Senate: Reported from Local Government w/amds (12-Y 3-N)  
02/17/03 Senate: Committee amendments rejected  
02/17/03 Senate: Passed Senate (25-Y 9-N 2-A)

**Notes:** Support. No longer necessary because the bill applies only to the Town of Yorktown.

\*\*\*\*\*

**SB 724 (Deeds) Bicycle racks on buses.** Permits installation of bicycle racks on the fronts of buses operated by cities, transit authorities, transit districts, or transportation districts.

01/09/03 Senate: Reported from Transportation (14-Y 0-N)  
01/15/03 Senate: Read third time and passed Senate (40-Y 0-N)  
02/11/03 House: Reported from Tra. (21-Y 0-N)  
02/14/03 House: Passed House with amendment (86-Y 10-N)  
02/18/03 Senate: House amendment agreed to by Senate (40-Y 0-N)

**Notes:** Support. Bill was amended to include counties.

\*\*\*\*\*

**SB 740 (Marsh) Fees collected by circuit court clerks; information technology fee.** Extends the sunset on the collection of Technology Trust Fund Fee from July 1, 2004 to July 1, 2008.

02/02/03 Senate: Reported from Courts of Justice w/sub (15-Y 0-N)  
02/04/03 Senate: Passed Senate (40-Y 0-N)  
02/10/03 House: Reported from Courts of Justice (15-Y 7-N)  
02/13/03 House: Passed House (91-Y 7-N)

**Notes:** Support.

\*\*\*\*\*



## Passed Bills -- Support or Monitor

**SB 967 (Watkins) Board of zoning appeals.** Provides that in the case of an appeal from the board of zoning appeals to the circuit court from an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law the decision of the board shall be presumed correct. The appealing party may rebut the presumption by proving by a preponderance of evidence that the board erred in its decision. Current case law provides that a decision of the board is presumed to be correct and can be reversed or modified only if the trial court determines that the board applied erroneous principles of law or was plainly wrong and in violation of the purposes and intent of the zoning ordinance. In addition, in any such appeal, any party may introduce evidence before the trial court. The bill further provides that in the case of an appeal from any decision of the board that denied an application for a variance or an application for a special exception, there shall be a presumption that the decision of the board is correct, but the petitioner may rebut that presumption by showing to the satisfaction of the court that the board applied erroneous principles of law, or where the discretion of the board is involved, that the decision was plainly wrong and in violation of the purpose and intent of the zoning ordinance.

01/28/03 Senate: Reported from Local Government w/sub (15-Y 0-N)  
02/03/03 Senate: Read third time and passed Senate (39-Y 0-N)  
02/14/03 House: Reported from Counties, Cities and Towns (21-Y 0-N)  
02/19/03 House: Passed House (97-Y 0-N)

**Notes:** Monitor. No longer oppose because substitute bill passed by the Senate restates current law applicable to appeals of BZA decisions on variances and special exceptions. The substitute changes the law applicable to appeals of BZA decisions concerning appeals of decisions of zoning administrators and other administrative officials to make it easier to overturn those kinds of BZA decisions and to allow any party to such appeal to introduce evidence before the trial court. ~~1/27 Oppose.~~

\*\*\*\*\*

**SB 974 (Trumbo) Removal of outdoor advertising.** Provides that no billboard sign subject to Chapter 7 of Title 33.1 (Outdoor Advertising in Sight of Public Highways) may be removed by action of a county, city, or town without the payment of just compensation unless the sign cannot remain on the property due to the site constraints of the property and removal of the sign is therefore necessary for development on the property.

01/23/03 Senate: Reported from Transportation w/sub (13-Y 0-N 2-A)  
01/29/03 Senate: Read third time and passed Senate (40-Y 0-N)  
02/11/03 House: Reported from Tra. w/amds (19-Y 2-N)  
02/14/03 House: Passed House with amendments (89-Y 9-N)  
02/18/03 Senate: House amendments agreed to by Senate (40-Y 0-N)

**Notes:** Monitor. Bill was amended to apply only to billboards. ~~2/10 Amend so that the bill will apply only to billboards or, at least, so that it will not apply to illegal signs.~~

\*\*\*\*\*

**SB 1033 (Colgan) Real estate tax; situs for assessment of motor vehicles.** Clarifies that the situs for assessment purposes of business vehicles is the locality in which the business' owner has a definite place of business and in which he directs or controls the use of such vehicles provided he has sufficient evidence that he has paid the tax to such locality.

01/22/03 Senate: Reported from Finance with substitute (13-Y 0-N)  
01/27/03 Senate: Read third time and passed Senate (39-Y 0-N)  
02/10/03 House: Reported from Finance with sub (22-Y 0-N)  
02/12/03 House: Passed House with substitute BLOCK VOTE (99-Y 0-N)  
02/17/03 Senate: House substitute agreed to by Senate (37-Y 0-N)

**Notes:** Monitor. ~~Oppose.~~ Same as HB2323.

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# ***Fairfax County Positions***

***\* \* \****

## ***Legislation No Longer Under Consideration***

***(Killed, Failed to Report, Tabled, Sent to Study, Incorporated  
into Other Legislation, etc.)***



## Bills with Fairfax County Positions, but No Longer Under Consideration

### Bill No.

### Page No.

#### ***Building Code***

HB 1940	Housing; Elevator Safety Act; penalty (Drake).....	38
HB 2528	USBC; visitability standards (Almand).....	41
SB 1087	USBC; visitability standards (Puller).....	49

#### ***Elections***

HB 2126	State Board of Elections; removal of local election officials (Reid) .....	39
SB 1252	State Board of Elections; removal of local election officials (Miller, K.G.).....	51

#### ***General Government***

HB 1979	Fiduciaries; legal investments (Athey).....	38
HB 2640	Centralized competitive purchasing by counties (Reese) .....	42
SB 777	Restriction on unfunded local mandates (Blevins) .....	47
SB 948	Local Taxpayer Protection Act (Houck).....	49

#### ***Health***

HB 1499	Notification to parents of certain health services to minors (Lingamfelter) .....	36
HB 2784	Wastewater and drinking water programs (Griffith).....	45

#### ***Land Use***

HB 2112	Nonconforming building and land uses (Barlow).....	39
SB 1219	Recordation of plats (Williams).....	50
SB 1262	Inoperable motor vehicles (Trumbo) .....	51

#### ***Parking***

HB 2286	Regulation of parking (Devolites) .....	41
HB 2491	Parking in Fairfax and Prince William Counties (Bolvin) .....	41

#### ***Pedestrian Safety***

HB 1613	Pedestrians (Darner) .....	37
HB 1878	Pedestrians (Amundson) .....	38
SB 912	Pedestrians (Whipple) .....	48

#### ***Personnel***

SB 836	Discrimination on the basis of genetic testing or characteristics (Howell) .....	48
--------	--	----

#### ***Real Estate Cap***

HB 1519	Real estate tax; limitation on tax rate (Black).....	36
HB 2035	Real estate tax; limitation on tax rate (Marshall, R.G.).....	39
SB 773	Real estate tax; limitation on tax rate (Cuccinelli) .....	47
SB 1273	Real estate tax; limitation on tax rate (O'Brien).....	52
SJR 311	Const. amend. (1 <sup>st</sup> resolution); assessment of real property (Reynolds) .....	52

#### ***Science and Technology***

HB 2792	Electronic Government Services Act created (Devolites) .....	45
---------	--	----

#### ***Taxation***

HB 1397	Local government taxing authority (Hull).....	35
HB 1517	Transient occupancy tax (Black) .....	36
HB 1998	Local business taxes; appeals (Ware) .....	38
HB 2522	Local tax for enhanced 911 service (Morgan) .....	41
HB 2531	Increases in certain local cigarette taxes (Almand).....	41
HB 2713	BPOL tax, limitation (Drake).....	43
HB 2735	BPOL tax, license (Shuler) .....	44
SB 794	Local transient occupancy tax (Miller, K.G.).....	47
SB 900	Local cigarette tax (Quayle).....	48
SB 1111	Local government taxing authority (Whipple) .....	50

## Bills with Fairfax County Positions, but No Longer Under Consideration

### **Transportation**

#### Bills to Change Allocation Formula

HB 1394	Secondary system highway construction fund allocations (Lingamfelter).....	35
HB 1485	Urban and secondary highway system construction allocations (Rust).....	35
HB 1486	Virginia Highway Bridge Fund (Rollison).....	35
HB 1595	Transportation Trust Fund (Marshall, R.G.) .....	37
HB 2144	Primary system highway construction allocation (Rust).....	40
HB 2147	Unpaved road fund (Rust) .....	40
HB 2202	Virginia Highway Bridge Fund (Jones, S.C.) .....	40
HB 2249	Primary highway system construction funds allocation (Watts) .....	40
HB 2560	Allocation of highway construction funds (Scott).....	42
HB 2650	State highway systems (Marshall, R.G.) .....	43
HB 2718	Allocation of highway construction funds (Nutter) .....	43
SB 1108	Allocation of federal highway safety funds (Whipple).....	49

#### Bills to Increase Transportation Funding

HB 2532	Motor vehicle fuel sales tax (Almand) .....	42
HB 2750	Commonwealth Private Investment Inducement Act of 2003 (Rollison).....	44
SB 704	Sales tax on motor fuels (Miller, K.G.).....	46
SB 1115	Commonwealth Mass Transit Fund (Whipple) .....	50
SB 1257	Fuels taxes; indexed to the rate of inflation (Miller, K.G.) .....	51
SB 1271	Secondary highway system construction funds (O'Brien).....	51

#### Provide Transportation Trust Fund Firewall

HJR 551	Const. amendment (1 <sup>st</sup> resolution); Transportation Trust Fund (Marshall, R.G.).....	45
HJR 590	Const. amendment (1 <sup>st</sup> resolution); Transportation Trust Fund (Albo).....	45
HJR 645	Const. amendment (1 <sup>st</sup> resolution); Transportation Trust Fund (McDonnell).....	46
HJR 746	Const. amendment (1 <sup>st</sup> resolution); Transportation Trust Fund (Hugo) .....	46
SJR 301	Const. amendment (1 <sup>st</sup> resolution); Transportation Trust Fund (O'Brien).....	52

#### Others

HB 2709	CTB; "no-trucks route" requests (Hugo) .....	43
HB 2754	Limitation on recovery from public transportation operators (Weatherholtz) .....	44
SB 725	Buses; local ordinances may require traffic to yield right-of-way (Deeds) .....	47
SB 1024	"Smart Road" fund (Reynolds).....	49

#### **Other**

HB 1612	Juvenile not guilty by reason of insanity (Darner) .....	37
HB 1880	Review of Law-Enforcement Employee Records Act (Amundson) .....	38
HB 2636	SOQ; Students with limited English Proficiency (Van Landingham) .....	42
SB 840	"Photo-red" programs (Quayle) .....	48
SB 1166	Fire Programs Fund; assessment on motor vehicle insurance (Puckett).....	50

## Bills with Fairfax County Positions, but No Longer Under Consideration

**HB 1394 (Lingamfelter) Secondary system highway construction fund allocations.** Allows inclusion of space occupied by military reservations when calculating the "area" of counties for the purpose of allocating secondary system highway construction funds.

01/16/03 House: Passed by in Transportation with letter (22-Y 0-N)

**Notes:** Monitor; the bill has been referred to the HJR 211 (2002 GA) joint subcommittee studying Virginia's transportation programs.

\* \* \* \* \*

**HB 1397 (Hull) Local government taxing authority.** Equalizes city and county taxing authority by granting counties the same authority available to cities and towns through the uniform charter powers.

01/31/03 House: Passed by in C. C. T. with letter (20-Y 2-N)

**Notes:** Support, position in Program. Same as SB 1111. Bill was sent to Jt. Sub. on VA Tax Code.

\* \* \* \* \*

**HB 1485 (Rust) Urban and secondary highway system construction allocations.** Allocates urban system and secondary system highway construction funds among affected jurisdictions on the basis of (i) area, (ii) vehicle miles traveled, and (iii) population, with area being weighted 15 percent, vehicle miles traveled per lane-mile weighted 25 percent, and population weighted 60 percent.

01/16/03 House: Passed by in Transportation with letter (22-Y 0-N)

**Notes:** Support, related to position in Program. Bill was sent to HJR 211 (2002 GA) joint subcommittee studying Virginia's transportation programs.

\* \* \* \* \*

**HB 1486 (Rollison) Virginia Highway Bridge Fund.** Establishes the Virginia Highway Bridge Fund, consisting of all federal highway bridge replacement and rehabilitation funds received by Virginia. The Fund is to be used for construction, reconstruction, and replacement of highway bridges in the Commonwealth as allocated by the Commonwealth Transportation Board to individual projects on the basis of the severity of each bridge's deficiency. The bill requires a 20-percent match to be provided from the allocation to the highway system on which the bridge is located.

02/01/03 House: Left in Transportation

**Notes:** Oppose. Same as HB 2202.

\* \* \* \* \*

## Bills with Fairfax County Positions, but No Longer Under Consideration

**HB 1499 (Lingamfelter) Notification to parents of certain health services to minors.** Requires, notwithstanding other law to the contrary and unless prohibited by federal law or regulation, any state or local government agency employee who provides services to a minor, for which such minor is deemed an adult for purposes of consent, to notify, within 2 business days of delivery of such services, a custodial parent, legal guardian or other person standing in loco parentis of any service and any reason, condition or diagnosis requiring such service when the service relates to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, and the contemplation of suicide. The employee is required to provide notice in person or by telephone, or if those attempts are unsuccessful, by certified mail to the authorized person; however, notification shall not apply when the employee has knowledge that such notification would result in future physical or mental abuse.

01/28/03 House: Reported from H. W. I. w/substitute (12-Y 9-N)

02/01/03 House: Read third time and passed House (59-Y 39-N)

02/13/03 Senate: Passed by indefinitely in Ed. & Health (10-Y 5-N)

**Notes:** Oppose.

\*\*\*\*\*

**HB 1517 (Black) Transient occupancy tax.** As reported out of House Finance, would have eliminated the requirement that the portion of County transient occupancy tax over 2 percent be spent for promoting tourism, travel or business that generates tourism or travel; replaced it with a requirement that such excess over 2 percent could only be spent for promotion of tourism. Further, would have prohibited any of these revenues from being spent in the acquisition of development rights or easements for open space with certain limited exceptions.

01/29/03 House: Reported from Finance with sub (18-Y 3-N)

02/03/03 House: Defeated by House (48-Y 51-N)

02/03/03 House: Engrossment reconsidered by House

02/03/03 House: Engrossment refused by House

**Notes:** Monitor. Original bill same as SB794.

\*\*\*\*\*

**HB 1519 (Black) Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5-percent increase in the total real estate tax levies, with 2 exceptions. The first exception allows the locality to raise the property tax rate by the rate of population growth plus inflation in the locality for the immediately preceding year. The second exception allows the locality to raise the rate above the 5-percent limit if approved by the voters in a local referendum.

Under current law, (i) the annual growth in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

01/20/03 House: Passed by in Finance with letter (16-Y 6-N)

**Notes:** Oppose. Bill was sent to Jt. Sub. on VA Tax Code.

\*\*\*\*\*

## Bills with Fairfax County Positions, but No Longer Under Consideration

**HB 1595 (Marshall, R.G.) Transportation Trust Fund.** Requires the Commonwealth Transportation Board, prior to the distribution of funds for general highway construction, to distribute from the Transportation Trust Fund: (i) \$50 million for transportation projects in Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park; (ii) \$50 million for transportation projects in Isle of Wight County, James City County, York County, the City of Chesapeake, the City of Hampton, the City of Newport News, the City of Norfolk, the City of Poquoson, the City of Portsmouth, the City of Suffolk, the City of Virginia Beach, and the City of Williamsburg; and (iii) \$20 million for transportation projects in Augusta County, Botetourt County, Frederick County, Montgomery County, Pulaski County, Roanoke County, Rockbridge County, Rockingham County, Shenandoah County, Smyth County, Warren County, Washington County, Wythe County, the City of Bristol, the City of Harrisonburg, the City of Radford, the City of Salem, the City of Staunton, and the City of Winchester. The bill expires on July 1, 2005.

01/16/03 House: Passed by in Transportation with letter (22-Y 0-N)

**Notes:** Support. Bill was sent to HJR 211 (2002 GA) joint subcommittee studying Virginia's transportation programs.

\*\*\*\*\*

**HB 1612 (Darner) Juvenile not guilty by reason of insanity.** Recognizes the finding of "not guilty by reason of insanity" for a child charged with a delinquent act in juvenile court proceedings. The bill closely parallels the adult statute on not guilty by reason of insanity. If the court finds a child not guilty and the child poses an unreasonable risk to the community, the court may commit the child to the Department of Mental Health, Mental Retardation and Substance Abuse Services for treatment. If the child does not pose a risk, the court may refer the child as one in need of services to the local family assessment and planning team for services under the Comprehensive Services Act for At-Risk Youth and Families. The bill adds such children to the mandated service pool under the Act. The Department is required to report to the General Assembly by December 1, 2003 and by December 1 in each of the five years following implementation of the law. This bill is a recommendation of the Virginia Bar Association, which was requested by the General Assembly (see HJR 680, 1999) to review this area of the law.

01/20/03 House: Reported from C. J. with amendments (12-Y 8-N)

01/20/03 House: Referred to Committee on Appropriations

01/29/03 House: Tabled in Appropriations (23-Y 2-N)

**Notes:** Support if funded by State.

\*\*\*\*\*

**HB 1613 (Darner) Pedestrians.** Provides that no pedestrian shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle that is so close that it is impossible for the driver to stop before colliding with the pedestrian. The bill also requires the drivers to stop and remain stopped to allow a pedestrian to cross the highway and prohibits drivers of other vehicles approaching the stopped vehicle from the rear from overtaking and passing the stopped vehicle.

01/14/03 House: Stricken at request of Patron in Tra. (22-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

## Bills with Fairfax County Positions, but No Longer Under Consideration

**HB 1878 (Amundson) Pedestrians.** Allows Fairfax County, counties and cities adjoining Fairfax County, and towns within Fairfax County to require motorists to stop for pedestrians in crosswalks of highways with speed limits of 35 miles per hour or less. The provisions of the bill do not apply to intersections controlled by traffic lights.

01/21/03 House: Failed to report (defeated) in Tra. (3-Y 19-N)

**Notes:** Support; NOVA regional initiative; position in Program. Same as SB912.

\*\*\*\*\*

**HB 1880 (Amundson) Review of Law-Enforcement Employee Records Act; penalty.** Provides a right of access by law-enforcement employees to review any personnel files maintained by their employer agency related to such employees. The bill provides for sanctions in the event there is a violation by a law-enforcement employer.

01/30/03 House: Tabled in General Laws (22-Y 0-N)

**Notes:** Oppose; Board has historically opposed.

\*\*\*\*\*

**HB 1940 (Drake) Housing; Elevator Safety Act; penalty.** Creates the Elevator Safety Act to provide for regulation by the Board of Housing and Community Development of the installation and maintenance of elevators to ensure the safety of life and limb, and to promote public safety awareness. The bill provides definitions of the types of equipment covered by the Elevator Safety Act and provides for criminal penalties for violation. The bill creates a special classification for elevator contractors licensed by the Board for Contractors.

01/30/03 House: Tabled in General Laws (22-Y 0-N)

**Notes:** Oppose. Bill was sent to Housing Study Commission.

\*\*\*\*\*

**HB 1979 (Athey) Fiduciaries; legal investments.** Limits the use of the legal list of investments, which affords the fiduciary immunity from the "prudent investor rule," to those funds within a trust or an estate with an actual value of not more than \$100,000. A delayed effective date is proposed to give fiduciaries time to modify investment approaches.

01/22/03 House: Passed by indefinitely in C. J. (21-Y 0-N)

**Notes:** Oppose.

\*\*\*\*\*

**HB 1998 (Ware) Local business taxes; appeals.** Removes localities' right to appeal to court an adverse BPOL and/or business personal property tax ruling of the State Tax Commissioner.

01/29/03 House: Passed by in Finance with letter (22-Y 0-N)

**Notes:** Oppose. Bill was sent to Jt. Sub. on VA Tax Code.

\*\*\*\*\*

## Bills with Fairfax County Positions, but No Longer Under Consideration

**HB 2035 (Marshall, R.G.) Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5 percent increase in the total real estate tax levies for a county, city or town, with 1 exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with 1 exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed 5 percent. However, some taxpayers could be above the average while others could fall below the average.

Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

01/29/03 House: Passed by in Finance with letter (22-Y 0-N)

**Notes:** Oppose. Bill was sent to Jt. Sub. on VA Tax Code.

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**HB 2112 (Barlow) Nonconforming building and land uses.** Provides that when a building is so situated on a lot that it violates a zoning requirement of a locality that prescribes the location of such a building in relation to the boundaries of the lot or when a building is situated on a lot that violates a zoning requirement of a locality that prescribes the minimum area of the lot, and when such building has been so situated for at least 10 years without the institution of an action to enforce such zoning requirement, such building shall be deemed a valid nonconforming building in relation to such boundaries or to the area of such lot, as the case may be. Further amendments provide that when a use of certain land or buildings on parcels that are 15 or more acres is not permitted by the zoning ordinance of a locality but has been established and continued in reasonable reliance on the actions of the locality, and have been in existence for 20 years without the institution of court action to enforce the ordinance regarding the use, such use shall be deemed a valid nonconforming use and may be continued.

01/24/03 House: Stricken at request of Patron in C. C. T. (22-Y 0-N)

**Notes:** Oppose.

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**HB 2126 (Reid) State Board of Elections; powers/duties; removal; local election board.** Provides (i) for 10 days' written notice and a hearing by the State Board to remove a registrar from office, (ii) for 5 days' written notice and a hearing to remove an electoral board member, registrar, or other election official from office because of disqualification on constitutional or statutory grounds, including failure to relinquish an incompatible office, (iii) for an immediate hearing if necessary to avoid irreparable harm to a pending election, and (iv) for an appeal by the removed party by petition to the City of Richmond Circuit Court. The bill also amends the law on court proceedings for removal of electoral board members to refer to the State Board's authority to initiate proceedings and to require removal on proof by "clear and convincing evidence of the member's failure to discharge the duties of his office in accordance with law." This bill is identical to SB 1252.

01/31/03 House: Stricken at request of Patron in P. & E. (22-Y 0-N)

**Notes:** Oppose. Same as SB1252.

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## Bills with Fairfax County Positions, but No Longer Under Consideration

**HB 2144 (Rust) Primary system highway construction allocation.** Provides that funds for construction projects in the primary highway system will be distributed among the 9 highway construction districts on the basis of vehicle-miles traveled per lane-mile.

01/16/03 House: Passed by in Transportation with letter (22-Y 0-N)

**Notes:** Support; related to position in Program. Bill was sent to HJR 211 (2002 GA) joint subcommittee studying Virginia's transportation programs.

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**HB 2147 (Rust) Unpaved road fund.** Allows use of funds set aside in the unpaved road fund for paving unpaved secondary roads or carrying out other secondary system highway construction projects. These funds would be distributed among counties in the secondary system in the same manner as other secondary system construction funds.

01/16/03 House: Passed by in Transportation with letter (22-Y 0-N)

**Notes:** Support. Bill was sent to HJR 211 (2002 GA) joint subcommittee studying Virginia's transportation programs.

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**HB 2202 (Jones, S.C.) Virginia Highway Bridge Fund.** Establishes the Virginia Highway Bridge Fund, consisting of all federal highway bridge replacement and rehabilitation funds received by Virginia. The Fund is to be used for construction, reconstruction, and replacement of highway bridges in the Commonwealth as allocated by the Commonwealth Transportation Board to individual projects on the basis of the severity of each bridge's deficiency. The bill requires a 20-percent match to be provided from the allocation to the highway system on which the bridge is located.

02/01/03 House: Left in Transportation

**Notes:** Oppose. Same as HB1486.

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**HB 2249 (Watts) Primary highway system construction funds allocation.** Provides for apportionment of primary highway system construction funds among the 9 highway construction districts on the basis of the ratio of vehicle miles traveled on primary system components divided by lane-miles of primary system components in each district.

01/16/03 House: Passed by in Transportation with letter (22-Y 0-N)

**Notes:** Support; related to position in Program. Bill was sent to HJR 211 (2002 GA) joint subcommittee studying Virginia's transportation programs.

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## Bills with Fairfax County Positions, but No Longer Under Consideration

**HB 2286 (Devolites) Regulation of parking.** Allows Arlington, Fairfax, and Prince Williams Counties, by ordinance, to regulate or prohibit the parking of trailers, semitrailers, and vehicles that fit the definition of "commercial motor vehicle" in § 46.2-341.4. This bill incorporates HB 2574 (Brink).

01/21/03 House: Reported from Tra. w/sub (22-Y 0-N)

01/27/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/13/03 Senate: Incorporated by Tra. (HB1730-Albo)

**Notes:** Support.

\*\*\*\*\*

**HB 2491 (Bolvin) Parking in Fairfax and Prince William Counties.** Allows Fairfax and Prince William Counties to regulate or prohibit parking of trailers, semitrailers, and vehicles that are primarily used for commercial purposes and have registered gross weights of 6,000 pounds or more.

01/28/03 House: Incorporated by Tra. (HB1730-Albo) (22-Y 0-N)

**Notes:** Support. Incorporated into HB1730 (Albo).

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**HB 2522 (Morgan) Local tax for enhanced 911 service.** Provides that the E-911 tax shall not exceed 3 dollars per residential consumer, regardless of the number of subscriber lines assigned to such consumer.

01/29/03 House: Passed by in Finance with letter (19-Y 3-N)

**Notes:** Oppose; Board has historically opposed. Bill sent to Telecommunications Study.

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**HB 2528 (Almand) Uniform Statewide Building Code; visitability standards.** Requires certain single-family dwellings that are built with federal, state, or local assistance to meet minimum standards for visitability.

01/23/03 House: Tabled in General Laws (22-Y 0-N)

**Notes:** Monitor. Same as SB1087 (Puller). Bill was referred to Housing Study Commission.

\*\*\*\*\*

**HB 2531 (Almand) Increases in certain local cigarette taxes.** Authorizes Fairfax and Arlington Counties to increase their local cigarette taxes from the current 5 cents per pack to 30 cents per pack.

01/29/03 House: Passed by in Finance with letter (20-Y 1-N)

**Notes:** Support; Board has historically endorsed. Bill was sent to Jt. Sub. on VA Tax Code.

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## Bills with Fairfax County Positions, but No Longer Under Consideration

**HB 2532 (Almand) Motor vehicle fuel sales tax.** Increases the rate of the motor vehicle fuel sales tax from 2 percent to 4 percent. The tax is currently imposed only in the Northern Virginia Transportation District.

01/29/03 House: Passed by indefinitely in Finance (15-Y 7-N)

**Notes:** Support; NOVA regional initiative.

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**HB 2560 (Scott) Allocation of highway construction funds.** Provides for allocation of highway construction funds in the primary, urban, and secondary highway systems on the basis of the number of registered vehicles.

02/01/03 House: Passed by in Transportation with letter (21-Y 0-N)

**Notes:** Support; related to position in Program. Bill was sent to HJR 211 (2002 GA) joint subcommittee studying Virginia's transportation programs.

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**HB 2636 (Van Landingham) Students with limited English proficiency; Standards of Quality.** Amends the Standards of Quality to require school boards to identify students with limited English proficiency and enroll these students in appropriate instructional programs and to require state funding, pursuant to the appropriation act, for 10 full-time equivalent instructional positions for each 1,000 students identified as having limited English.

01/22/03 House: Reported from Education (21-Y 0-N)

01/22/03 House: Referred to Committee on Appropriations

01/29/03 House: Incorporated by App. (HB2442-Dillard) (25-Y 0-N)

**Notes:** Support.

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**HB 2640 (Reese) Centralized competitive purchasing by counties.** Provides that school boards are to be included in counties' centralized competitive purchasing system only by mutual agreement.

01/31/03 House: Passed by indefinitely in C. C. T. (19-Y 3-N)

**Notes:** Oppose.

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## Bills with Fairfax County Positions, but No Longer Under Consideration

**HB 2650 (Marshall, R.G.) State highway systems.** Replaces the primary, secondary, and urban systems of state highways with statewide, regional, and local state highway systems. Funds for projects in the statewide system would be allocated by the Commonwealth Transportation Board (CTB) at the project level, based on system priorities. Funds for regional system projects would be allocated on the basis of each region's share of Virginia-registered vehicles. These funds, too, would be allocated by the CTB (in coordination with metropolitan planning organizations and other regional entities) at the project level, based on system priorities. Funds for the local system would be distributed on the basis of centerline miles (weighted 86 percent) and vehicle registrations (weighted 14 percent). For local system projects in municipalities with 5,000 or more inhabitants, the CTB may contribute 98 percent of funds necessary for the project (including the federal portion) if the municipality contributes the rest.

01/16/03 House: Passed by in Transportation with letter (22-Y 0-N)

**Notes:** Monitor; the bill has been referred to the HJR 211 (2002 GA) joint subcommittee studying Virginia's transportation programs.

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**HB 2709 (Hugo) Commonwealth Transportation Board (CTB); "no-trucks route" requests.** Requires the CTB to act within 90 days on written requests from county boards of supervisors for "no-trucks route" requests for secondary highways. This bill was incorporated in HB 1457.

01/28/03 House: Incorporated by Tra. (HB1457-Reese) (22-Y 0-N)

**Notes:** Support.

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**HB 2713 (Drake) Business, professional and occupational license (BPOL) tax, limitations on localities.** Prohibits any county, city or town from imposing the BPOL tax on any person, firm or corporation engaging in the business of renting real property and having more than one definite place of business in different localities, provided such person, firm or corporation can produce sufficient evidence that the license tax has been paid on such income to the county, city or town in which it conducts the majority of its business. The bill has a retroactive effective date of January 1, 1998.

01/29/03 House: Passed by in Finance with letter (22-Y 0-N)

**Notes:** Oppose. Bill was sent to Jt. Sub. on VA Tax Code

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**HB 2718 (Nutter) Allocation of highway construction funds.** Provides that all allocations of primary, secondary, and urban highway system construction funds will be adjusted to reflect construction cost differentials based on topography, elevation, and soil conditions.

01/28/03 House: Passed by in Transportation with letter (22-Y 0-N)

**Notes:** Oppose. Bill was sent to HJR 211 (2002 GA) joint subcommittee studying Virginia's transportation programs.

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## Bills with Fairfax County Positions, but No Longer Under Consideration

**HB 2735 (Shuler) Business, Professional and Occupational Licensing Tax (BPOL); license fees, rates and requirements.** Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2005, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2005, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2005.

01/29/03 House: Passed by in Finance with letter (22-Y 0-N)

**Notes:** Oppose; Board has historically opposed. Bill was sent to Jt. Sub. on VA Tax Code.

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**HB 2750 (Rollison) Commonwealth Private Investment Inducement Act of 2003.** Dedicates one-third of the annual insurance license tax revenue to transportation projects in highway construction districts based on the percentage of the population of the Commonwealth residing in each such district. The portion of such revenues that otherwise would be distributed to: (i) the Northern Virginia Construction District is instead deposited into the Northern Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects; (ii) the Hampton Roads Construction District is instead deposited into the Hampton Roads Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area; (iii) the Bristol, Salem, and Staunton Construction District is instead deposited into the Western Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area. The amount of such bond proceeds utilized must be matched by equal or greater funds from private entities, localities, or both, unless certain conditions exist.

01/29/03 House: Reported from Appropriations with sub (25-Y 0-N)

02/01/03 House: Amendments by Del. Joannou agreed to

02/03/03 House: Read third time and passed House (88-Y 11-N 1-A)

02/12/03 Senate: Failed to report (defeated) in Finance (6-Y 9-N)

**Notes:** Support with amendment to include Metro rail. Original bill same as SB1342 (Williams). Bill would have dedicated the Insurance Premium Tax to transportation. This would have provided \$350m for specific projects in Northern Virginia.

\*\*\*\*\*

**HB 2754 (Weatherholtz) Limitation on recovery from public transportation operators.** Limits damages in suits for personal injuries to, or death of, a person caused by a Virginia public transportation operator, that are not otherwise barred by the doctrine of immunity, to \$2 million in cases. The bill defines "public transportation operator" as a political subdivision pursuant to § 15.2-2701 or any other entity, which also (i) provides transportation services to the general public on Virginia's roads; and (ii) is funded in whole or in part by public funds. The bill does not affect any defense of immunity applicable to a public transportation operator.

01/31/03 House: Tabled in Courts of Justice (21-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

## Bills with Fairfax County Positions, but No Longer Under Consideration

**HB 2784 (Griffith) Wastewater and drinking water programs.** Transfers the Sewage Disposal program, the State Health Department Sewage Handling and Disposal Appeal Review Board, the Public Water Supplies program, the Private Well Construction program, and the gray water program from the Department of Health to the Department of Environmental Quality.

01/29/03 House: Tabled in Agri., Chesapeake and Natural Res. (22-Y 0-N)

**Notes:** Oppose.

\*\*\*\*\*

**HB 2792 (Devolites) Electronic Government Services Act created.** Prohibits a public body from providing electronic commerce services that duplicate or compete with similar services provided by the private sector unless the public body provides notice and a hearing for the public to submit comments. The notice must include proposed findings of fact and law, costs, a statement of the public benefit and unmet need, and a statement describing the impact of such services on the private sector. The public body must sign factual and legal conclusions addressing the public comments and the factors required by the Act. Where competition exists, the public body must file an annual report. The bill also creates a cause of action for any private entity engaged in the electronic commerce business to challenge the sufficiency of the factual and legal conclusions, as well as to challenge the provision of services in general. Finally, the bill applies to state agencies, political subdivisions, and certain private/public entities that are established by an order or action of a state agency or political subdivision.

01/30/03 House: Stricken at request of Patron in G. L. (22-Y 0-N)

**Notes:** Oppose as written.

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**HJR 551 (Marshall, R.G.) Constitutional amendment (first resolution); Transportation Trust Fund.** Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases or the appropriation for the fiscal year ending June 30, 2002, whichever is greater. The amendment limits the use of Trust Fund moneys to highway construction, reconstruction, maintenance, and improvements, public transportation, railways, seaports, and airports. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a two-thirds-plus-one vote of members in each house and the loan or reduction must be repaid within four years. This resolution is incorporated into HJR 645.

01/31/03 House: Incorporated by P.&E. (HJ645-McDonnell) (22-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

**HJR 590 (Albo) Constitutional amendment (first resolution); Transportation Trust Fund.** Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases. The amendment limits the use of Trust Fund moneys to current highway construction, reconstruction, maintenance, and improvements. The General Assembly may borrow or transfer monies from the Fund for other purposes only by a four-fifths vote of members in each house and the monies must be repaid within four years. This resolution is incorporated into HJR 645.

01/31/03 House: Incorporated by P.&E. (HJ645-McDonnell) (22-Y 0-N)

**Notes:** Support.

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## Bills with Fairfax County Positions, but No Longer Under Consideration

### **HJR 645 (McDonnell) Constitutional amendment (first resolution); Transportation Trust Fund.**

Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund established in 1986 will be permanent and separate funds and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases and other revenues dedicated to the funds. The amendment limits the use of Trust Fund moneys to transportation and related purposes. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid within four years. This resolution incorporates HJR 551, 590, 711, and 746.

01/31/03 House: Reported from P. & E. w/substitute (20-Y 2-N)

02/03/03 House: Agreed to by House (96-Y 0-N)

02/11/03 Senate: Reported from Privileges and Elections (11-Y 2-N)

02/11/03 Senate: Rereferred to Finance

02/12/03 Senate: Failed to report (defeated) in Finance (5-Y 9-N)

**Notes:** Support. Same as SJR301.

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### **HJR 746 (Hugo) Constitutional amendment (first resolution); Transportation Trust Fund.**

Requires (i) any law that negatively impacts revenues to take effect in the year following the year of enactment; (ii) a recorded vote of any future General Assembly equal to or greater than two-thirds of the members voting in each house, including a majority of the members elected to that house, to delay any tax-relief legislation; and (iii) a recorded vote equal to or greater than two-thirds of the members voting in each house, including a majority of the members elected to that house, to appropriate revenues for purposes other than those originally adopted when any special fund is created.

01/31/03 House: Incorporated by P.&E. (HJ645-McDonnell) (22-Y 0-N)

**Notes:** Support.

\* \* \* \* \*

**SB 704 (Miller, K.G.) Sales tax on motor fuels.** Provides for a statewide sales tax beginning July 1, 2004, on the sale of motor fuels in the Commonwealth. The tax would be imposed at the rate of 4.5% of the retail price of motor fuels sold in the Commonwealth and would be added to the per gallon or per unit price of motor fuel. All revenues generated and collected from the tax would be deposited into the Transportation Trust Fund of the state treasury and distributed in the manner currently provided for the 0.5% sales and use tax enacted by the 1986 Special Session of the General Assembly.

Current law provides for a 2.0% sales tax on motor fuels in certain localities in the Commonwealth. The sales tax on motor fuels in these localities would increase to 6.5%.

01/30/03 Senate: Failed to report (defeated) in Finance (2-Y 12-N)

**Notes:** Support.

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## Bills with Fairfax County Positions, but No Longer Under Consideration

**SB 725 (Deeds) Buses; local ordinances may require traffic to yield right-of-way.** Allows localities to adopt ordinances to require motorists to yield the right-of-way to transit buses merging into traffic after having stopped to take on or discharge passengers.

01/09/03 Senate: Reported from Transportation w/amd (14-Y 0-N)

01/16/03 Senate: Read third time and passed Senate (40-Y 0-N)

02/11/03 House: Passed by indefinitely in Tra. (21-Y 0-N)

**Notes:** Support.

\*\*\*\*\*

**SB 773 (Cuccinelli) Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5-percent increase in the total real estate tax levies for a county, city or town, with 1 exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with 1 exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed 5 percent. However, some taxpayers could be above the average while others could fall below the average.

Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

02/04/03 Senate: Left in Finance

02/18/03 Senate: Letter sent to Jt. Sub. Va. Tax Code

**Notes:** Oppose.

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**SB 777 (Blevins) Restriction on unfunded local mandates.** Provides that no law shall be enacted by the General Assembly that results in an unfunded net additional expenditure, as defined in § 30-19.03:1, by any county, city, or town.

02/04/03 Senate: Left in Finance

**Notes:** Support. Same as SB948.

\*\*\*\*\*

**SB 794 (Miller, K.G. by request) Local transient occupancy tax.** Provides that revenues generated from the local transient occupancy tax shall be used for "tourism promotion," in consultation with local tourism industry organizations and in direct support of the local tourism industry. Tourism promotion includes direct funding to a local tourism promotion agency, financial support for advertising or marketing activities, publishing and distributing pamphlets and similar materials, conducting research, or engaging in similar promotional activities that attract tourists or business travelers to the area.

01/28/03 Senate: Stricken at request of Patron in Finance

**Notes:** Monitor. Original bill same as HB1517.

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## Bills with Fairfax County Positions, but No Longer Under Consideration

**SB 836 (Howell) Virginia Human Rights Act; discrimination in employment on the basis of genetic testing or genetic characteristics.** Authorizes a city or county to enact an ordinance allowing local commissions on human rights to investigate alleged violations of discrimination in employment practices based on genetic tests or genetic characteristics.

01/15/03 Senate: Reported from General Laws (8-Y 6-N 1-A)  
01/22/03 Senate: Read third time and passed Senate (24-Y 13-N)  
02/13/03 House: Stricken at request of Patron in G. L. (22-Y 0-N)

**Notes:** Support; related to regional position in Program.

\*\*\*\*\*

**SB 840 (Quayle) "Photo-red" programs.** Allows all localities to use "photo-red" programs to enforce traffic light signals and extends the program's "sunset" to July 1, 2010.

01/16/03 Senate: Reported from Transportation w/amd (13-Y 2-N)  
01/22/03 Senate: Read third time and passed Senate (27-Y 11-N)  
02/14/03 House: Passed by indefinitely in M., P.& P. S. (11-Y 7-N)

**Notes:** Support, because it extends the sunset to July 1, 2010.

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**SB 900 (Quayle) Local cigarette tax.** Allows all counties, cities and towns to impose a local cigarette tax.

01/29/03 Senate: Stricken at request of Patron in Finance

**Notes:** Monitor.

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**SB 912 (Whipple) Pedestrians.** Allows Fairfax County, counties and cities adjoining Fairfax County, and towns within Fairfax County or any county adjoining Fairfax County to require motorists to stop for pedestrians in crosswalks of highways with speed limits of 35 miles per hour or less. The provisions of the bill do not apply to intersections controlled by traffic lights.

01/23/03 Senate: Reported from Transportation w/amds (15-Y 0-N)  
01/29/03 Senate: Read third time and passed Senate (40-Y 0-N)  
02/13/03 House: Failed to report (defeated) in Tra. (9-Y 13-N)

**Notes:** Support; NOVA regional initiative; position in Program. Same as HB1878.

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## Bills with Fairfax County Positions, but No Longer Under Consideration

**SB 948 (Houck) Local Taxpayer Protection Act.** Provides that any new program or mandate requiring a net additional expenditure by any locality shall not become effective unless an annual appropriation is made from the general fund to affected localities by the General Assembly at its next Session, such appropriation being sufficient to fund such program or mandate. However, notwithstanding such requirement, a new program or mandate requiring a net additional expenditure shall become effective if the General Assembly (i) passes such legislation with an emergency clause and provides an estimated amount to fund such mandate or program in the current budget, or (ii) affirmatively votes by a four-fifths vote to pass such legislation without sufficient funding. This bill does not apply to legislation that impacts traditional or constitutionally required local government responsibilities and functions.

01/28/03 Senate: Passed by indefinitely in Finance (9-Y 4-N)

**Notes:** Support. Same as SB777.

\*\*\*\*\*

**SB 1024 (Reynolds) "Smart Road" fund.** Establishes a special fund "off the top" of funds available for highway construction to cover the costs of construction, reconstruction, and improvements to the "Smart Road" at the Virginia Tech Transportation Institute.

01/16/03 Senate: Passed by in Transportation with letter (14-Y 1-N)

01/20/03 Senate: Letter sent to HJR211 (2002 GA) joint subcommittee studying Virginia's transportation programs

**Notes:** Oppose.

\*\*\*\*\*

**SB 1087 (Puller) Uniform Statewide Building Code; visitability standards.** Requires certain single-family dwellings that are built with federal, state, or local assistance to meet minimum standards for visitability.

01/22/03 Senate: Stricken at request of Patron in General Laws (14-Y 0-N)

**Notes:** Monitor. Same as HB2528 (Almand). Bill was referred to Housing Study Commission.

\*\*\*\*\*

**SB 1108 (Whipple) Allocation of federal highway safety funds.** Requires that prior to being allocated for any other purpose, 10 percent of all federal surface transportation program safety funds must be allocated statewide to fund bicycle and pedestrian safety improvements, including but not limited to the Safe Routes to School Program.

01/23/03 Senate: Passed by in Transportation with letter (15-Y 0-N)

01/27/03 Senate: Letter sent to HJR 211 (2002 GA) joint subcommittee studying Virginia's transportation programs

**Notes:** Support.

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## Bills with Fairfax County Positions, but No Longer Under Consideration

**SB 1111 (Whipple) Local government taxing authority.** Equalizes city and county taxing authority by granting counties the same authority available to cities.

02/04/03 Senate: Left in Finance

02/18/03 Senate: Letter sent to Jt. Sub. on VA. Tax Code

**Notes:** Support; position in Program. Same as HB1397.

\*\*\*\*\*

**SB 1115 (Whipple) Commonwealth Mass Transit Fund.** Increases the percentage share of monies deposited into the Commonwealth Mass Transit Fund from 14.7 percent to 19 percent.

01/16/03 Senate: Passed by in Transportation with letter (15-Y 0-N)

01/20/03 Senate: Letter sent to HJR211 (2002 GA) joint subcommittee studying Virginia's transportation programs

**Notes:** Support; NOVA regional initiative.

\*\*\*\*\*

**SB 1166 (Puckett) Fire Programs Fund; assessment on motor vehicle insurance.** Requires insurance companies that write motor vehicle insurance to pay an assessment of 1 percent of the total direct gross premium income from such insurance. The assessments will be paid into the Fire Programs Fund, which is administered by the Department of Fire Programs under policies established by the Virginia Fire Services Board.

01/27/03 Senate: Reported from Commerce and Labor (7-Y 5-N)

02/04/03 Senate: Read third time and passed Senate (24-Y 16-N)

02/13/03 House: Left in Commerce and Labor

**Notes:** Support. Similar bill, HB 2660 (Van Yahres), was passed by indefinitely in House Commerce and Labor.

\*\*\*\*\*

**SB 1219 (Williams) Recordation of plats.** Allows the clerk to refuse to accept any plat for filing or recordation until such plat has been approved by the appropriate local governing body.

02/04/03 Senate: Left in Courts of Justice

**Notes:** Support.

\*\*\*\*\*

## Bills with Fairfax County Positions, but No Longer Under Consideration

**SB 1252 (Bolling) State Board of Elections; removal of local election officials.** Provides (i) for 10 days' written notice and a hearing by the State Board to remove a registrar from office, (ii) for 5 days' written notice and a hearing to remove an electoral board member, registrar, or other election official from office because of disqualification on constitutional or statutory grounds, including failure to relinquish an incompatible office, (iii) for an immediate hearing if necessary to avoid irreparable harm to a pending election, and (iv) for an appeal by the removed party by petition to the City of Richmond Circuit Court. The bill also amends the law on court proceedings for removal of electoral board members to refer to the State Board's authority to initiate proceedings and to require removal on proof by "clear and convincing evidence of the member's failure to discharge the duties of his office in accordance with law."

02/04/03 Senate: Left in Privileges and Elections

**Notes:** Oppose. Same as HB2126.

\*\*\*\*\*

**SB 1257 (Miller, K.G.) Fuels taxes; indexed to the rate of inflation.** Increases the tax imposed on fuels every July 1, beginning in 2004, by the percentage increase in the Consumer Price Index for all items, all urban consumers (CPI-U).

01/30/03 Senate: No action taken by Finance

**Notes:** Support.

\*\*\*\*\*

**SB 1262 (Trumbo) Inoperable motor vehicles.** Requires localities to allow at least 3 inoperable motor vehicles to be kept on residential or commercial property provided they are shielded from ordinary public view.

01/28/03 Senate: Passed by indefinitely in L. G. (7-Y 6-N)

**Notes:** Oppose unless amended to strike amendments to Va. Code § 15.2-905.

\*\*\*\*\*

**SB 1271 (O'Brien) Secondary highway system construction funds.** Allocates secondary highway system construction funds among counties on the basis of the number of vehicles registered in each county.

01/23/03 Senate: Passed by in Transportation with letter (13-Y 2-N)

01/27/03 Senate: Letter sent to HJR211 (2002 GA) joint subcommittee studying Virginia's transportation programs

**Notes:** Support; related to position in Program.

\*\*\*\*\*

## Bills with Fairfax County Positions, but No Longer Under Consideration

**SB 1273 (O'Brien) Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5 percent increase in the total real estate tax levies for a county, city or town, with 1 exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with 1 exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed 5 percent. However, some taxpayers could be above the average while others could fall below the average.

Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

02/04/03 Senate: Left in Finance

02/18/03 Senate: Letter sent to Jt. Sub. on VA. Tax Code

**Notes:** Oppose.

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**SJR 301 (O'Brien) Constitutional amendment (first resolution); Transportation Trust Fund.** Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases or the appropriation for the fiscal year ending June 30, 2002, whichever is greater. The amendment limits the use of Trust Fund moneys to highway construction, reconstruction, maintenance, and improvements, public transportation, railways, seaports, and airports. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a two-thirds-plus-one vote of members in each house and the loan or reduction must be repaid within 4 years.

01/21/03 Senate: Reported from P. & E. with substitute (15-Y 0-N)

01/21/03 Senate: Rereferred to Finance

01/30/03 Senate: No action taken by Finance

**Notes:** Support. Same as HJR645.

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**SJR 311 (Reynolds) Constitutional amendment (1st resolution); assessment of real property.** Provides that beginning with the 2006 tax year, for assessments of real estate, a county, city, or town, in lieu of fair market value assessments, may by ordinance provide for the assessment of real estate at (i) fair market value or (ii) no more than 105 percent of the assessment of such property in the preceding tax year, whichever is lower. A county, city, or town adopting such ordinance shall apply the same factor for increasing the assessments of all real estate within its geographical boundaries that is to be assessed using other than the fair market value of the property; however, if real property is sold or improved, it shall be assessed at fair market value for taxation purposes for the tax year in which such sale or improvement occurs and such assessment shall serve as the basis for determining the assessment for such property in the succeeding tax year.

01/21/03 Senate: Reported from P. & E. with substitute (12-Y 3-N)

01/29/03 Senate: Substitute by Sen. Newman agreed to

01/29/03 Senate: Rereferred to Finance

01/30/03 Senate: Passed by indefinitely in Finance (12-Y 2-N)

**Notes:** Oppose original mandatory version of bill; also oppose optional version of bill as reported by Senate P&E.

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## Section III

### **OTHER LEGISLATION OF COUNTY INTEREST**

• Access to Public Records/FOIA .....	54
• Adequate Public Facilities/Impact Fees .....	55
• Constitutional Amendments.....	58
• Education .....	59
• Elections .....	60
• Eminent Domain .....	61
• Environment.....	62
• Fees .....	63
• Finance/Taxation .....	64
• General Government .....	69
• Health and Human Services .....	70
• Land Use .....	73
• Personnel .....	75
• Public Safety .....	76
• Science and Technology .....	77
• Transportation .....	78
• Other .....	80
• Select Studies and Resolutions .....	81

### The following bills passed:

**HB1546 (Marshall, R.G.) State and Local Conflict of Interest Act.** Amends several provisions of the State and Local Conflict of Interest Act including: (i) adding definitions of "parent-subsubsidiary" and "affiliated business entity" relationships; (ii) providing that an option for ownership of a business or property and an employment contract with a governmental agency may also be a personal interest; (iii) requiring an officer to disclose that a party in a transaction is a client of his firm; (iv) authorizing localities to require their officers, appointees, and employees to disclose all gifts that they receive and to set a dollar limit on gifts that may be accepted; (v) prohibiting attendance by an officer who has a personal interest in a transaction at any closed meeting where the transaction is discussed; and (v) clarifying that when an attorney for the Commonwealth provides a written opinion to a local government official under the Act, then such opinion is a public record that must be released upon request. The bill is the recommendation of the Joint Subcommittee Studying the State and Local Conflict of Interest Act, HJR 31, (2002).

**HB2086 (Abbitt) Freedom of Information Act; penalties for violation.** Increases the civil penalty for willful and knowing violations of the Freedom of Information Act from \$100 to \$250 for the first violation and from \$500 to \$1,000 for any subsequent violation.

**HB2211 (Jones, S.C.) FOIA; critical infrastructure and vulnerability assessments.** Expands the current record exemption for engineering and architectural drawings to protect the safety of any public building or its occupants, to clarify that such records include those relating to critical infrastructure or structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems, as well as vulnerability assessments. The bill applies to all buildings, whether public or private. The bill requires certain procedures to be followed to protect such records, including certification by the property owner as to which records are to be protected under the amendment. The bill also provides that nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the structural or environmental soundness of any building, nor shall it prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event. The bill also contains a corollary open meeting exemption for the discussion of such records in a closed meeting. The bill consolidates 2 related exemptions and contains other technical amendments.

**SB737 (Houck) Virginia Freedom of Information Act; exemptions-contract negotiations.** Adds a record exemption for records relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such records would adversely affect the bargaining position or negotiating strategy of the public body. The bill provides that such records shall not be withheld after the public body has made a decision to award or not to award the contract and shall not apply to the release of records in connection with procurement transactions governed by the Virginia Public Procurement Act. The bill also provides an open meeting exemption for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. The bill is a recommendation of the FOIA Council.

**SB738 (Houck) Freedom of Information Act (FOIA).** Provides that before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing. The bill also contains a technical amendment. The bill is a recommendation of the FOIA Council.

## ADEQUATE PUBLIC FACILITIES/IMPACT FEES

The following bills failed:

**HB1538 (Marshall, R.G.) Adequate public facilities.** Would have allowed any locality with a population of at least 55,000 and an annual growth rate of at least 1 percent for 3 of the previous 5 years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals would not have been allowed to extend beyond 12 years, and applicants would have been entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. This bill was rolled into the substitute for **HB2039 (Marshall, R.G.)**, which ultimately failed.

**HB1539 (Marshall, R.G.) Adequate public facilities.** Would have allowed any locality with a population of at least 55,000 and an annual growth rate of at least 1 percent for 3 of the previous 5 years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Applicants would have been entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. The bill specified that any appraisal of property subject to a deferral under this subsection would reflect the effect of such deferral on the fair market value of the property. This bill was also rolled into the substitute for **HB2039 (Marshall, R.G.)**, which ultimately failed.

**HB1540 (Marshall, R.G.) Adequate public facilities.** Would have allowed any locality with a population of at least 55,000 and an annual growth rate of at least 1 percent for 3 of the previous 5 years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals would not have been allowed to extend beyond 12 years, and applicants are entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. This bill deemed infrastructure inadequate if at the time of plat or plan submission it would cost the locality more than \$100,000 to provide the infrastructure necessary to serve the proposed development. This bill was also rolled into the substitute for **HB2039 (Marshall, R.G.)**, which ultimately failed.

**HB1544 (Marshall, R.G.) Road impact fees.** Would have eliminated the contingent expiration date on road impact fee authority and removed the prohibition on assessing road impact fees upon a development if certain proffered conditions had previously been accepted by a locality. The bill was tabled in House Counties, Cities and Towns.

**HB2039 (Marshall, R.G.) Adequate public facilities; residential development impact fees.** Would have allowed localities to adopt provisions in subdivision ordinances for the assessment of impact fees when existing schools, roads, public safety, sewer or water facilities are inadequate to support a proposed residential development. Such fees would have been a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any such assessment, the locality would be required to have in place a capital facilities plan that provided a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. Localities could only assess impact fees under this subdivision against persons constructing 5 or more residential structures per calendar year in such locality.

A substitute for **HB2039** was adopted and killed by House Counties, Cities and Towns, which combined adequate public facilities provisions for high growth localities and localities located in an ozone nonattainment area with residential impact fee authority for those same localities. The substitute would also have amended the purposes of zoning ordinances to address the rate of development and adequacy of public facilities, similar to provisions in **SB1292 (Byrne)**. It is anticipated that the substitute for **HB2039** will be among the bills that will be reviewed during 2003 by the Commission on Growth and Economic Development.

**HB2040 (Marshall, R.G.) Subdivision ordinances; road impact fees.** Would have allowed localities in the Eighth Planning District to adopt in their subdivision ordinances provisions for the payment by a subdivider or developer of land, or by a subsequent owner of such development, of a pro rata share of the costs of reasonable and necessary off-site road improvements attributable to the traffic impacts caused by any free-standing retail store that has at least 100,000 square feet in retail floor space, and that generates a daily average of at least 46 vehicle trips per hour on weekdays. Such provisions could have applied to new and existing developments. The bill was tabled in House Counties, Cities and Towns.

**HB2041 (Marshall, R.G.) Subdivision ordinances; road impact fees.** Would have allowed localities to adopt in their subdivision ordinances provisions for the payment by a subdivider or developer of land, or by a subsequent owner of such development, of a pro rata share of the costs of reasonable and necessary off-site road improvements attributable to the traffic impacts caused by any free-standing retail store that has at least 100,000 square feet in retail floor space, and that generates a daily average of at least 46 vehicle trips per hour on weekdays. Such provisions could have applied to new and existing developments. The bill was tabled in House Counties, Cities and Towns.

**SB968 (Houck) Adequate public facilities related to water supply.** Would have provided that a subdivision ordinance could include reasonable provisions allowing the locality to determine whether public facilities related to water supply are adequate to support the services that would be required by a proposed subdivision. Prior to adopting such provisions, a locality would have been required to clearly identify in its comprehensive plan the (i) public facilities related to water supply whose adequacy will be used in making such determination; (ii) areas of potential growth where such provisions are applicable; and (iii) existing public facilities related to water supply and public facility needs in those potential growth areas. This bill was passed by in Senate Local Government with a letter to the State Water Commission.

**SB1029 (Chichester) Adequate public facilities.** Would have provided that in any high-growth locality, a subdivision ordinance could include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that would be required by a proposed development. Approval of a site plan or preliminary subdivision plat could have been made contingent upon a finding by a governing body of adequate public facilities. For purposes of this bill, high-growth locality meant a locality that has had an annual growth rate in excess of 1 percent for at least 3 of the previous 4 years and is located in the Rappahannock-Rapidan Planning District No. 9 or RADCO Planning District No. 16. This bill was passed by in Senate Local Government with a letter to the Commission on Growth and Economic Development.

**SB1126 (Norment) Adequate public facilities.** Would have provided that in any high-growth locality, a subdivision ordinance could include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that would be required by a proposed subdivision. Prior to adopting such provisions, a locality would have been required to clearly identify in its comprehensive plan the (i) public facilities whose adequacy would be used in making such determination; (ii) areas of potential growth where such provisions would be applicable; and (iii) existing public facilities and public facility needs in those potential growth areas. Approval of a proposed subdivision could have been made contingent upon a finding by a governing body of adequate public facilities. However, such locality's current comprehensive plan would have been required to clearly identify public facility needs in a given area prior to disapproval of any subdivision request based upon the provisions of this subdivision. If a governing body found that public facilities were inadequate to support the services that would be required by a proposed subdivision, and delayed the proposed subdivision solely for that reason, the proposed subdivision would be delayed only until such time as the governing body determined that public facilities were adequate. For purposes of this bill, high-growth locality means a locality that has had an annual growth rate in excess of 1 percent for at least 3 of the previous 4 years and has a population of at least 48,000. This bill was also passed by in Senate Local Government with a letter to the Commission on Growth and Economic Development.



**SB1292 (Byrne) Adequate public facilities.** Would have allowed any locality to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals could not extend beyond 12 years, and applicants would have been entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. The bill specified that any appraisal of property subject to a deferral under the bill shall reflect the effect of such deferral on the fair market value of the property. A locality could have also considered the adequacy of public facilities in the preparation of its zoning ordinance. Also, the purposes of zoning ordinances would have been amended to include protection against undue rate of development in relation to existing or available public facilities. This bill was passed by in Senate Local Government with a letter to the Commission on Growth and Economic Development. Portions of this bill were included in the Substitute for **HB2039 (Marshall, R.G.)** which failed to be reported out of House Counties, Cities and Towns.

## CONSTITUTIONAL AMENDMENTS

### The following bills passed:

**HJR635 (Moran) and SJR283 (Miller, Y.B.) Constitutional amendment (first resolution); restoration of civil rights to certain felons.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law for persons convicted of nonviolent felonies.

**SJR417 (O'Brien) Constitutional amendment (first resolution); effective dates of decennial redistricting measures; vacancies.** Continues the requirement that decennial reapportionment or redistricting measures shall be enacted in the first year after the decennial census (2011, etc.). The proposed amendment spells out that the new lines will be implemented for the first November general election held just prior to the expiration of the term being served in the year of the redistricting. The new language, in effect, continues the existing practice and understanding that there will be regular November elections from new districts in 2011 for the House of Delegates and Senate, in 2012 for the United States House of Representatives, in 2021 for the House of Delegates, in 2022 for the House of Representatives, in 2023 for the Senate, and so forth. The proposed amendment further provides explicitly that the members in office when a decennial reapportionment law is enacted shall complete their terms of office and continue to represent the districts from which they were elected for the duration of those terms of office.

Another new provision specifies that any vacancy occurring during such terms will be filled from the preexisting district, i.e., the same district that elected the member whose vacancy is being filled. The proposed amendment also continues the present provision that reapportionment laws take effect "immediately" without being subject to the usual requirement for a four-fifths vote in each house of the General Assembly to approve an emergency measure. This exception to the emergency vote requirement remains necessary. There is usually only a short time available to draw new lines after the release of census redistricting data early in the year following the census, and before the nomination and election timetable begins for that year's November election.

### The following bills failed:

**HJR 515 (Purkey) Constitutional amendment (1st resolution); Governor's term of office.** Would have permitted the Governor to succeed himself in office. The amendment would have allowed two terms (either in succession or not in succession) but would have prohibited election to a third term. The amendment would have allowed Governors elected in 2005 and thereafter to serve two successive terms.

## EDUCATION

### The following bill passed:

**SB756 (O'Brien) School superintendent contracts.** Requires that whenever a division superintendent's contract is being renegotiated, all members of the school board must be notified at least 30 days in advance of any meeting at which a vote is planned on the renegotiated contract unless the members agree unanimously to take the vote without the 30 days notice. Each member's vote on the renegotiated contract must be recorded in the minutes of the meeting.

### The following bill failed:

**HB1839 (Reese) Division superintendent contracts.** As introduced, would have required a local school board to provide public notice of its intention to renegotiate, extend, or amend a division superintendent's contract at least 28 days prior to the date of school board action on such renegotiation, extension, or amendment; the public notice would state the intended action. After being amended on the House floor, the bill was defeated.

## ELECTIONS

### The following bills passed:

**HB2304 (Devolites) Political committees; passage or defeat of referenda; disclosure.** Requires a political committee to comply with the requirements of the Campaign Finance Disclosure Act and file a statement of organization and contribution and expenditure reports if the committee makes expenditures in a calendar year to advocate the passage or defeat of (i) a statewide referendum in excess of \$10,000, (ii) a referendum held in two or more counties and cities in excess of \$5,000, and (iii) a referendum held in a single county or city in excess of \$1,000. The bill modifies the requirements for the statement of organization, requires a separate account be maintained for expenditures related to a referendum, and exempts advertisements by such committees from certain disclosure statement requirements.

**SB1107 (Whipple) Administration of elections and election procedures; penalties.** Incorporates numerous clarifications and revisions in the election laws, including changes in the process for filling vacancies, financing local electoral boards and staffs, registering voters, nominating candidates, conducting elections, merging the registered voter lists and pollbooks, and voting absentee. This bill incorporates SB 793 (K.G. Miller).

### The following bills failed:

**HB1405 (Black) and SB769 (Cuccinelli) Party designations on the ballot.** Would have extended to local elections, other than school board and soil and water conservation district elections, the identification of candidates by party name on the ballot. Current law provides for party identification of candidates on ballots only for federal, statewide, and General Assembly elections. The bill would have allowed any locality to provide by charter or by ordinance for nonpartisan elections for the governing body without any party identification on the ballot for governing body candidates. The bill also would have provided that an endorsement by a political party of a candidate who qualified for the ballot through the petition process was not grounds for identifying that candidate by the party's name.

**HB1855 (Lingamfelter) Prohibited use; public funds to support/oppose candidates; referendum.** Would have prohibited state and local governmental agencies, and their officers and employees, from spending public funds to pay for advertisements to support or oppose candidates or referendum questions. The bill contained an exception to allow the use of public funds to provide neutral explanations of referendum questions pursuant to certain statutory provisions.

**HB2350 (Hull) Hours that polls are open for voting.** Would have added 1 hour to the time that the polls were open for voting by moving the closing time from 7:00 p.m. to 8:00 p.m. The bill also made conforming changes to absentee voting laws.

## EMINENT DOMAIN

### The following bills passed:

**HB1946 (Drake) Commonwealth Transportation Commissioner condemnations; delays.** Requires the Commonwealth Transportation Commissioner, unless an agreement with the property owner as to compensation for the taking of or damage to property has been reached, to file a condemnation proceeding within 180 days after recording a certificate with respect to the property. If the Commissioner fails to institute a proceeding within this 180-day period, the owner may file a proceeding in circuit court.

**HB1950 (Drake) Commonwealth Transportation Commissioner condemnations; rate of interest.** Provides that interest on certain obligations of the Commonwealth Transportation Commissioner to owners of property acquired through condemnation proceedings will accrue at the rate of interest established pursuant to § 6621 (a) (2) of the Internal Revenue Code. Currently, interest accrues at the general account composite rate as complied by the Department of the Treasury. This bill contains an emergency clause, and its provisions are retroactive to condemnation awards rendered or certificates of deposit recorded on or after October 1, 2002.

**SB990 (Mims) Condemnation; reimbursement of property taxes.** Directs localities in condemnation proceedings to reimburse owners of real property, or other person legally obligated to pay the real property taxes, for the pro rata portion of real property taxes paid for the period of time subsequent to the date of title vesting in the locality or the effective date of possession of such real property by the locality, whichever is earlier.

**SB995 (Mims) Eminent domain; copy of title report.** Requires any condemnor to provide to property owners a copy of the report of status of title prepared in connection with the acquisition of property. The condemnor is required to conduct a title examination of the property prior to making an offer to acquire it. If the Commonwealth Transportation Commissioner is the condemnor, the owner is currently entitled to receive a copy of the title report.

**SB1007 (Mims) Recodification of Title 25; eminent domain; condemnation.** Recodifies Title 25 as Title 25.1, which deals with the general procedure pursuant to which authorized entities exercise the power to acquire property pursuant to the exercise of the power of eminent domain. Additionally, certain substantive changes are made, many of which reflect current practices or eliminate inconsistencies between provisions. Title 25.1 consists of 4 chapters. Chapter 1 contains general provisions applicable to the entire title, including certain definitions. Chapter 2 sets forth the general eminent domain procedure. Chapter 3 establishes in this title a "quick-take" procedure, under which defeasible title vests in the condemnor upon the filing of a certificate or the deposit of funds with the court. This procedure is based on one in Title 33.1. Currently, several types of condemnors are authorized to use the process to be followed by the Commonwealth Transportation Commissioner, and the Code Commission concurred that a better course was to establish a separate provision in Title 25.1 to be followed by those entities that now can use such process. Chapter 4 sets out statutory provisions that generally comport with the federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1972.

## ENVIRONMENT

### The following bills passed:

**SB1193 (Wagner) Regulation of stormwater.** Allows localities to provide full or partial waivers of stormwater storm drainage and facilities fees to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading. Under current law, such waivers are available only to persons who have obtained permits from the Department of Environmental Quality (DEQ) for complete private maintenance of storm drainage and stormwater facilities. Such permits apply only to city and county stormwater systems serving more than 100,000 people, or to companies that have stormwater discharges entering streams directly from industrial facilities. This bill is intended to provide more flexibility to localities in encouraging development that reduces stormwater drainage in instances that are not currently subject to DEQ permitting requirements.

**SB1221 (Williams) Water supply planning.** Requires the State Water Control Board, in consultation with the State Health Commissioner, local governments, public service authorities, and other interested parties, to establish a comprehensive water supply planning process for the development of local, regional and state water supply plans. A citizens' technical advisory committee is to continue to advise DEQ and the Health Department regarding any changes needed in the Commonwealth's water resources policies and programs. The Board is to prepare a preliminary state water resources plan and proposed draft criteria for development of the local and regional plans by December 1, 2003. The preliminary plan, which will include information from existing local and regional water supply plans, is to be submitted to the Governor and the legislative committees with jurisdiction over the subject matter and the State Water Commission. This bill incorporates SB 1245 and SB 1259.

### The following bills failed:

**SB1116 (Whipple) Chesapeake Bay Preservation Act.** Would have abolished the Chesapeake Bay Local Assistance Department and placed responsibility for administering the Chesapeake Bay Preservation Act with the Department of Conservation and Recreation. The Chesapeake Bay Local Assistance Board would have continued as the policy-making board for implementation of the Chesapeake Bay Preservation Act.

## FEES

### The following bills passed:

**HB1382 (Cosgrove) and SB1069 (Rerras) Courthouse and courtroom security; assessment.** Eliminates the "July 1, 2004" sunset on the provision that allows any county or city to assess a sum not in excess of five dollars as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted that is collected by the clerk of the court, remitted to the treasurer and held by the treasurer subject to appropriation by the governing body to the sheriff's office for the funding of courthouse security.

**SB1129 (Norment) Court fees and costs.** Implements amendments made by the 2002 Session of the General Assembly to the fixed-fee provisions for misdemeanors, traffic infractions, and other violations in circuit and district court.

**SB1227 (Williams) Local taxes; administrative fees to collect delinquent taxes/charges.** Increases the fees that may be charged by local governments for administrative costs incurred in collecting delinquent taxes or other delinquent charges. The fees are increased from \$20 to \$30 for delinquent taxes and other charges collected before judgment is taken, and from \$25 to \$35 for such taxes and charges collected subsequent to a judgment.

### The following bills failed:

**SB741 (Marsh) Fees collected by clerks of circuit courts.** Would have increased the following fees: (i) in actions at law, those fees for suits greater than \$150,000, (ii) for docketing judgments, (iii) for filing attorney-issued subpoenas, (iv) in chancery suits, (v) recordation and grantor tax, (vi) for recording a deed of trust or mortgage or deed of release, (vii) for recording deeds of partition and deeds transferring property upon divorce, (viii) for recording a contract or memorandum relating to real property, and (ix) for recording the sale of rolling stock; and increases the local recordation fees to equal the fee charged by the State (currently only one-third of the state's fee). The bill was left in Senate Finance.

**SB1277 (Rerras) Courthouse construction.** Would have provided for up to an additional \$2 to be available for courthouse construction by increasing the maximum assessment for civil filing fees and would have removed the \$4 cap on the assessment for courthouse construction and public law library fees. The bill was passed by indefinitely in House Courts of Justice.

## FINANCE/TAXATION

### The following bills passed:

**HB1673 (Petersen) Assessment of substantially completed buildings.** Allows the City of Fairfax to provide by ordinance that all new buildings shall be assessed when substantially completed or fit for use and occupancy, regardless of the date of completion or fitness. This authority currently applies only to Fairfax County. Similarly, **SB1285 (Saslaw)** authorizes Arlington County, Loudoun County, Prince William County, and the Cities of Alexandria, Falls Church, Fairfax, Manassas, and Manassas Park to assess real estate tax on new buildings when substantially complete or fit for use and occupancy, regardless of the date of completion or fitness. Under current law, (i) any county, city, or town may assess real estate tax on new buildings that are substantially complete or fit for use and occupancy prior to November 1 of the tax year, and (ii) Fairfax County may assess real estate tax on new buildings when substantially complete or fit for use and occupancy, regardless of the date of completion or fitness.

**HB1838 (Reese) Taxpayer's Budget Bill of Rights.** Provides that the Executive Budget and the Budget Bill be set forth in a format and use language that is easily understood by the citizens of the Commonwealth. The bill also requires that the Executive Budget and the Budget Bill include specific outcomes, functions, and goals that are related to expenditures and provisions for additional public access to information contained in the Executive Budget and the Budget Bill.

**HB1932 (Nixon) Local business taxes; appeals.** Requires the Tax Commissioner to determine within 30 days whether he has jurisdiction to hear an appeal of certain local business taxes, and restricts to 60 days the additional time (i.e., in addition to 90 days from the receipt of the appeal) within which the Tax Commissioner must make a final determination on the merits of the appeal when he does have jurisdiction; unless additional time is needed because an affected party fails to supply necessary information, in which case, the Tax Commissioner shall issue his determination within 60 days of receipt of such information.

**HB2045 (Woodrum) Local taxation; lower rate for admissions tax on certain events.** Allows any city or town that imposes the admissions tax to impose the tax at a lower rate on any event held in facilities that are not owned by the city or town than that which is imposed on events held in city- or town-owned civic facilities.

**HB2277 (Hurt) and SB735 (Reynolds) Sale of property for delinquent taxes or liens.** Provides that real estate for which there are delinquent taxes may be conveyed to the locality if the real estate has a value of \$20,000 or less and such taxes alone exceed 25 percent of the value of the real estate.

**HB2454 (Parrish) and SB1030 (Chichester) Virginia Tax Amnesty Program.** Authorizes the State Tax Commissioner to operate a tax amnesty program during the 2004 fiscal year. The program would be open to any individual, corporation, estate, trust or partnership required to but that has failed to file a return or to pay any tax administered by the Department of Taxation. All civil or criminal penalties assessed or assessable and one-half of the interest assessed or assessable, resulting from nonpayment, underpayment, nonreporting or underreporting of tax liabilities will be waived upon payment of the taxes and interest.

**HB2490 (Tata) and SB1123 (Norment) Estate tax.** Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. This was a recommendation of the Tax Code Commission.

**HB2537 (Louderback) Motor vehicle sales and use tax; casual sales.** Allows, in the case of a sale of a motor vehicle, which is not a new motor vehicle, between individuals who are not required to be licensed as dealers or salespersons, the Commissioner to collect the motor vehicle sales tax on the basis of the total sales price as established by evidence required by the Commissioner. However, if the auto is no more than 5 years old and is listed in a recognized pricing guide, then the trade-in value listed in such guide less \$1,500 shall be used unless the purchaser executes an affidavit stating a lesser value, which shall be used. This bill originated from the Tax Code Commission recommendations.



**HB2538 (Louderback) Tax administration; application; correction of State tax assessment.** Eliminates the current requirement that a taxpayer must pay the assessment in order to appeal to the circuit court. The Tax Commissioner would be authorized to petition the court to require the taxpayer to pay upon a showing that the Department is likely to prevail on the merits of the case. If the court grants such motion by the Tax Commissioner, the taxpayer must pay the assessment, post a bond, or offer a letter of credit. This bill also was a recommendation of the Tax Code Commission.

**HB2656 (Ingram) Local warrant books; limits on release of information.** Allows treasurers to limit the information released from the list of warrants only for use in establishing the status of a claim previously reported as paid when a person legally entitled to the funds provides evidence that such claim has not been paid.

**SB722 (Chichester) Transient occupancy tax.** Authorizes Cumberland County, King George County, and Prince Edward County to levy a transient occupancy tax at the rate of 5 percent; any revenues attributable to the portion of the tax greater than 2 percent shall be spent for promoting tourism, travel or business that generates tourism or travel in the county.

**SB858 (Stosch) Telecommunications taxes; taxation of bundled transactions.** Allows nontaxable services to continue to be nontaxable when bundled with taxable communications services if the provider can identify the nontaxable portion from its books and records. In addition, if the services are taxable at different rates, they will be taxed at the highest rate if the provider cannot identify the services subject to a lower rate from its books and records.

**SB1183 (Puckett) Real property tax; installment agreements to pay delinquent taxes.** Eliminates the requirement under current law for the recording of installment agreements between local officers and owners of real property for the payment of delinquent real estate taxes.

The following bills failed:

**HB1387 (Lingamfelter) Local business license fees; telecommuting enhancement exemption.** Would have provided an exemption from local business license fees to any person, firm, or corporation whose annual gross receipts do not exceed \$250,000 and at least 75 percent of whose business operations are carried out through telecommuting. To qualify, the distance from the telecommuter's home to the central worksite would have been required to be at least 50 miles except in areas designated as nonattainment for one-hour ozone and severe traffic congestion pursuant to the federal Clean Air Act. In addition, an alternate worksite would have been required to be at least 50 percent closer to the individual's home than the central worksite is to his home. The bill was sent to the Tax Code Commission.

**HB1390 (Lingamfelter) Individual income tax; credit as an incentive to use HOV lanes.** Would have provided a nonrefundable tax credit to any taxpayer who occupies any vehicle, as driver or passenger, while such vehicle is driven on at least 75 different occasions in high-occupancy vehicle (HOV) lanes. The amount of the credit would have been equivalent to the total amount the taxpayer paid for (i) a state motor vehicle safety inspection, (ii) a state motor vehicle emissions inspection, and (iii) a Virginia motor vehicle registration for individuals claiming the tax credit. Individuals claiming the credit would be required to certify their use of HOV lanes to the Department of Taxation; the Department of Taxation would have to develop appropriate procedures and forms to administer the credit. This bill was also sent to the Tax Code Commission.

**HB1414 (Janis) and HB2244 (Watts) Personal property tax; privately owned vehicle.** Would have added language to the definition of the term "privately owned" so that a vehicle held in trust for a natural person would qualify for the car tax phaseout. The bill was incorporated into **HB1582 (Cole)** which was defeated in Senate Finance.

**HB1583 (Cole) Real property tax; exemptions for elderly and handicapped persons.** Would have modified the conditions under which localities may exempt or defer real property taxes of certain elderly and handicapped persons by (i) increasing the maximum combined net worth from \$100,000 to \$500,000; (ii) increasing the number of acres excluded from net worth from 1 acre to 10 acres; and (iii) increasing the maximum amount of income of a relative of the property owner living on the property that may be excluded from the maximum income calculation from \$8,500 to \$10,000; the bill was sent to the Tax Code Commission.

**HB1710 (Darner) Admissions tax; events to which admission charged.** Would have added, as an additional class, admissions charged for entry into motion picture theaters to the list of events to which the local admissions tax is charged. The bill was passed by indefinitely in House Finance.

**HB1723 (Callahan) Recordation tax and refinanced mortgages.** Would have eliminated from the recordation tax the exemption for mortgages that are refinanced with the same lender. The purpose was to eliminate the problem of the circuit court clerks not having the information that the same lender is actually providing the refinancing when the deed is filed with the clerk. The bill was tabled in House Finance.

**HB2107 (Van Landingham) Recordation tax increase; City of Alexandria.** Would have permitted the City of Alexandria, by local ordinance, to increase its recordation tax from an amount equal to one-third of the amount of State recordation tax to two-thirds. Moneys collected that are attributable to such increase would have been used to finance affordable housing or the acquisition or preservation of open-space land. The bill was passed by indefinitely in House Finance.

**HB2250 (Watts) Local piggyback income tax.** Would have allowed localities to impose a local income tax at a rate of either one-half or 1 percent upon the Virginia taxable income of individuals, trusts, estates, and corporations; the Tax Commissioner would have collected the tax and returned it to localities based on taxpayers' residences. The provisions of the act would have taken effect January 1, 2005, if a constitutional amendment eliminating the property tax on motor vehicles were to be approved in a referendum to be held during the general election in November 2004. The bill was sent to the Tax Code Commission.

**HB2611 (Bryant) Taxation of certain telecommunications companies.** Would have clarified the definition of gross receipts for cellular companies that are subject to the minimum tax on telecommunications companies and the special regulatory revenue tax and to conform to recently enacted federal legislation known as the Mobile Telecommunications Sourcing Act. The bill was stricken by the patron in Senate Finance.

**HB2655 (Johnson) Processing fee for collection of certain local taxes.** Would have allowed localities to impose a processing fee, not to exceed \$25, when delinquent taxes and charges are collected by legal action. The bill was tabled in House Finance.

**HB2782 (Kilgore) Service charge in lieu of real property taxes.** Would have allowed the service charge in lieu of property taxes for property owned by the Commonwealth to include lease/purchase and other similar arrangements to which the Commonwealth is a party. The bill was passed by in House Finance with letter to Tax Code Commission.

**SB794 (Miller, K.G., by request) Local transient occupancy tax.** Would have provided that revenues generated from the local transient occupancy tax be used for "tourism promotion," in consultation with local tourism industry organizations and in direct support of the local tourism industry. Tourism promotion includes direct funding to a local tourism promotion agency, financial support for advertising or marketing activities, publishing and distributing pamphlets and similar materials, conducting research, or engaging in similar promotional activities that attract tourists or business travelers to the area. A similar bill in the House, **HB1517 (Black)** was significantly amended in House Finance and ultimately killed on the House floor by a 48-51 vote.

**SB797 (Reynolds) Embezzlement by public official; penalty.** Would have provided that it is a Class 4 felony for a public official or employee to knowingly misuse, misappropriate or unlawfully dispose of any public funds that he has access to or knows of because of his position. There was a mandatory, minimum term of 1 year of incarceration in a state correctional facility with no suspension of sentence for each \$50,000 misused, misappropriated or unlawfully disposed of. The bill was tabled in the Appropriations Committee after being reported out of House Courts of Justice.

**SB927 (Byrne) Self-employed writers; license tax rate limitation.** Would have limited the license tax rate for self-employed writers providing services from their homes. The license tax levied on self-employed writers by a county, city or town with a population of 2,000 or less would not have been allowed to exceed \$10 per year. In a county, city or town with a population greater than 2,000 the tax would not have been allowed to exceed \$30 per year. The bill was left in Senate Finance.

**SB1020 (Reynolds) Local taxes; waiver of penalty and interest.** Would have authorized local governments to enact ordinances for the waiver of penalty and interest imposed for the failure to file a return or to pay a tax. Such ordinance would have provided that penalty and interest may be waived in circumstances where the payment of all penalty and interest would result in an undue hardship on the taxpayer. If a local governing body enacted such ordinance, the treasurer would have the discretion to determine if an undue hardship existed and to waive all or a portion of interest and penalty. The bill was left in Senate Finance.

**SB1073 (Rerras) Local meals and lodging taxes limitations.** Would have prohibited any city or town from imposing a meals tax or increasing such a tax unless the tax or its rate increase was approved by voter referendum. No city or town could have imposed a lodging tax at a rate in excess of 2 percent unless used for tourism promotion when the rate was limited to 5 percent. The limitations would have applied only to those cities and towns that do not have a meals or lodging tax as of January 1, 2003. The bill was sent to the Tax Code Commission.

**SB1217 (Cuccinelli) Appeals of state tax assessments.** Would have provided that the Commonwealth has the burden of proof to show that a State tax assessment is correct or proper in an appeal to circuit court of such assessment. If the Commonwealth failed to carry this burden, the State tax assessment would be overturned. Current law provides that the taxpayer appealing a State tax assessment to circuit court has the burden of proof to show that the assessment is erroneous or otherwise improper. The bill was defeated in Senate Finance.

**SB1348 (Lucas) Virginia taxes; restructuring.** Would have provided numerous changes to Virginia's taxes, including: eliminating the old-age deduction; changing individual income tax brackets with a top rate of 7 percent on income greater than \$100,000; increasing the corporate income tax from 6 percent to 8 percent; eliminating the sales and use tax on food; increasing the personal exemption amount to \$2,500; increasing the standard deduction for married persons to \$7,000 and for single individuals to \$3,500; applying the sales and use tax to amusement and personal services; establishing a refundable earned income tax credit equal to 20 percent of the federal earned income tax credit; and establishing a sales tax credit equal to \$100 for each personal exemption claimed. The bill was sent to the Tax Code Commission.

A number of bills were submitted to revise or eliminate the current **car tax relief program**. All failed, including:

**HB1605 (Van Yahres) Repeal.** Would have repealed the Personal Property Tax Relief Act of 1998 effective January 1, 2004. The bill was passed by indefinitely in House Finance.

**HB2084 (Abbitt) Percentage of reimbursement.** Would have allowed for the reduction of the percentage amount to be reimbursed in tax year 2003 to such an amount that would not cause a decrease in the amount of revenues appropriated for K-12 education and law enforcement in 2002, adjusted for inflation. The Governor and the chairmen of the House and Senate Finance Committees would have determined that percentage and adjusted it annually if necessary. The percentage would have returned to the next highest percentage no later than 2006. The bill, which had an emergency clause, was tabled in House Finance.

**HB2363 (Shuler) Reduce reimbursement amount.** Would have reduced the current car tax reimbursement amount from 70 percent to 50 percent, for tax years beginning on and after January 1, 2003. The reimbursement amount would remain at 50 percent until the General Fund revenues, including transfers, for the most recently ended fiscal year after 2004 equaled or exceeded the amount of such revenues collected in tax year 2000 and adjusted for inflation. The bill was passed by indefinitely in House Finance.

**SB1176 (Puckett) Reduce reimbursement amount.** Would have reduced the current car tax reimbursement amount from 70 percent to 47.5 percent for qualifying vehicles with a value greater than \$1,000 for tax years beginning on and after January 1, 2003. The reimbursement amount would remain at 47.5 percent until the General Fund revenues, including transfers, for the most recently ended fiscal year after 2004 equaled or exceeded the amount of such revenues collected in tax year 2000 and adjusted for inflation. This bill was defeated in Senate Finance.

The following bills related to **cigarette tax** also failed:

**HB1712 (Darner) Taxes on food for human consumption and cigarettes.** Would have reduced the State sales and use tax on food to 2.5 percent and increased the State tax on cigarettes from 2.5 cents to 50 cents per pack. The bill was passed by indefinitely in House Finance.

**HB2025 (Petersen) Counties use revenues for public schools.** Would have allowed all counties to impose a local cigarette tax at a rate not to exceed 50 cents per pack. All additional revenues would be used solely for capital projects for public schools. The bill was passed by indefinitely in House Finance.

**HB2026 (Petersen) Counties of Fairfax and Arlington.** Would have increased the maximum authorized cigarette tax rate from 5 cents per pack to 50 cents per pack in the Counties of Fairfax and Arlington. In the event that either county choose to impose such tax in excess of 5 cents per pack, all revenues resulting from that portion of the tax in excess of five cents per pack would be required to be used solely for capital projects for public schools. The bill was passed by indefinitely in House Finance.

**HB2531 (Almand)** would have authorized Fairfax and Arlington Counties to increase their local cigarette taxes from the current 5 cents per pack to 30 cents per pack. The bill was passed by in House Finance with letter.

**HB2247 (Watts) Higher State and local rates.** Would have increased the State cigarette tax from 2.5 cents per pack to 25 cents per pack and allowed all counties, cities and towns to impose a local cigarette tax. The bill would have limited the rate that localities could levy to 50 cents per pack except any localities that imposed the tax at a higher rate prior to January 1, 2003, could have continued to impose the tax at that higher rate. The bill was passed by indefinitely in House Finance.

**HB2729 (Bloxom) Local cigarette tax.** Would have allowed Accomack, Isle of Wight, James City, Northampton, Southampton, and Surry Counties to impose a local cigarette tax. Currently, only the Counties of Fairfax and Arlington may impose the tax. The bill was passed by in House Finance with a letter.

**HB2796 (Van Yahres) Cigarette tax.** Would have increased the State cigarette tax rate from 2.5 cents per pack to 60 cents per pack. One-half of the additional revenue generated by the increase would be required to be used solely to fund the Virginia Medicaid Program. The remaining one-half of such revenues would be required to be distributed to all of the counties and cities of the Commonwealth based upon the number of school aged children in each locality. The bill was passed by indefinitely in House Finance.

**SB900 (Quayle) Local cigarette tax.** Would have allowed all counties, cities and towns to impose a local cigarette tax. The bill was stricken at the request of the patron in Senate Finance.

**SB901 (Quayle) Local cigarette tax.** Would have allowed Isle of Wight County to impose a local cigarette tax. The bill was defeated in Senate Finance.

## GENERAL GOVERNMENT

### The following bills passed:

**HB2476 (Crittenden) Disposal of trash or cutting of weeds.** Allows localities to regulate the times and placement of waste and waste containers set out for collection. The bill requires the locality to notify the owner of the waste or waste container to allow removal prior to imposing a civil penalty.

**SB981 (Mims) Public Finance Act; appeals from bond validation proceedings.** Allows appeals from circuit court bond validation proceedings if a notice of appeal is filed with the circuit court within 15 days of the final judgment and if a petition is filed with the Supreme Court of Virginia within 30 days of the final judgment. Currently, a petition must be filed with the Court within 15 days of the final judgment. The bill shifts the burden from appellant to the clerk of the circuit court for transmitting a certified copy of the circuit court record to the Supreme Court of Virginia within 30 days of the final judgment when a notice of appeal is properly filed. The bill clarifies that failure of the clerk to do so will not affect the jurisdiction of the Supreme Court to hear the appeal.

## HEALTH AND HUMAN SERVICES

### The following bills passed:

**HB1514 (Albo) Parental placement adoptions.** Provides that when a licensed child-placing agency or a local board of social services accepts custody of a child for the purpose of placing the child with adoptive parents designated by the birth parent, such agency or local board may give consideration for placement of the child to the designated adoptive parents if the agency or local board finds the placement in the best interest of the child.

**HB1832 (Athey) and SB1204 (Newman) Amber Alert.** Requires state buildings open to the public to have a Code Adam program as a preventive tool against child abductions and for locating lost children in certain public buildings. The alerts are used to lock down buildings where a child has been lost or possibly abducted. The bill requires the Board of Education to develop, in cooperation with private entities, a program to provide parents with child identification kits through school distribution. The kits shall include identification information about the subject child, including current photo, fingerprints, DNA samples, and important medical information and shall include instructions for the proper safekeeping of the kit. Such kits shall be held for safekeeping by the parent, not a school, school board, or other public entity.

The bill also directs the Department of State Police to develop a statewide child abduction alert plan (the Virginia Amber Alert Plan) to rapidly publicize information on a child abduction. Pursuant to procedures developed by the Department of State Police, local law enforcement will notify the Department of State Police, who will take action, including activating the emergency alert system. The bill provides that the Virginia State Police shall inform all local law-enforcement agencies operating or participating in the Amber Alert programs when this bill becomes law and shall offer them assistance in conforming their programs to the provisions of the bill. Incorporates **HB2064 (Dudley)** and **HB2102 (Hogan)**.

**HB2075 (Hogan) Virginia Workforce Council; membership; powers and duties.** Reduces the membership of the Virginia Workforce Council from 43 to 29, and expands the duties of the Council in its implementation of the Workforce Investment Act ("WIA"). The Council is required to create procedures, guidelines, performance measures, and directives applicable to local workforce investment boards and the operation of one-stop centers required by the WIA. The bill also requires each local workforce investment board to develop and submit to the Council an annual workforce demand plan for its area based on a survey of local and regional businesses that reflects local employer needs and the availability of trained workers to meet those needs. Finally, the bill lists all programs that shall be mandatory partners in the one-stop centers under the WIA. This bill incorporates HB 2617 (Sears).

**HB2233 (Cline) Recognition of foreign adoption decrees.** Provides that adoptive parents who are residents of the Commonwealth may petition the circuit court in the city or county where they reside for a report of adoption when the adoptive parents are seeking a Virginia certificate of birth for a child adopted in a foreign country that has post-adoption reporting requirements and with whom the United States has diplomatic relations. The adoptive parents must provide the circuit court with the immediate relative immigrant visa (IR-3), a report of adoption on a form furnished by the State Registrar of Vital Records, completed post-adoption reports, and a signed affidavit stating that any outstanding post-adoption requirements shall be met as required by the foreign country. The affidavit shall also include the name by which the child is to be known. The circuit court will review all documents provided by the adoptive parents. If the circuit court finds that all requirements of this subsection have been met, the circuit court may issue the report of adoption to the State Registrar for issuance of a Virginia certificate of birth. Adoptive parents seeking to have a child from a foreign country adopted or who choose to readopt a child from a foreign country in Virginia must comply with all statutory adoption requirements in order to get a Virginia certificate of birth.

**HB2287 (Devolites) and SB1218 (Lambert) Children's health insurance.** Establishes a program incorporating both Medicaid and the Family Access to Medical Insurance Security (FAMIS) Plan in order to provide coordinated services to individuals defined as children in these programs. The Medicaid portion is named FAMIS Plus. The bill codifies practice by requiring the use of a single application to determine eligibility for both Medicaid coverage for children and FAMIS. Coverage for the mental health services currently provided for children enrolled in Medicaid is extended to individuals eligible for FAMIS. The bill reduces the waiting period from 6 to 4 months between the time that a child was covered by private health insurance and when eligibility for FAMIS can be established. The cost-sharing requirements are amended to clarify that the annual aggregate cost-sharing for all eligible children in a family between 100 percent and at or below 150 percent of the federal poverty level will be limited to nominal co-payments and the annual aggregate cost-sharing will not exceed 2.5 percent of the family's gross income. The nominal co-payments for all eligible children in a family will not be less than those in effect on January 1, 2003.

**HB2379 (Moran) and SB1162 (Ticer) Crime victim rights.** Adds a child's foster parents or other custodians to the definition of "victim" in the Crime Victim and Witness Rights Act for purposes of allowing victim input for sentencing. Persons defined as victims have the right to certain notifications, to be consulted about plea agreements in felony cases, to remain in the courtroom, to submit a victim impact statement and to testify at a sentencing hearing. The bill does not affect the current law definition of victim under the Criminal Injuries Compensation Fund and would not entitle foster parents to compensation. This bill arises out of an Alexandria case where a foster mother was unable to testify at the sentencing hearing of the man convicted of killing her foster daughter. As introduced, this bill was a recommendation of the Crime Commission.

**HB2447 (Griffith) and SB 1151 (Stolle) Abandoned babies; affirmative defense to prosecution.** Provides that when a parent voluntarily delivers a child no older than 14 days to a hospital or rescue squad, the parent will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon having left the baby at such facility. Personnel who accept babies under these conditions are immune from liability absent gross negligence or willful misconduct.

**HB2594 (Brink) Health; Family Access to Medical Insurance Security Plan.** Provides 12 continuous months of coverage for FAMIS for eligible children residing in Virginia whose family income does not exceed 200 percent of the federal poverty level during the enrollment period as permitted by Title XXI of the Social Security Act.

**HB2775 (Ingram) Mental health; reports by guardians.** Allows the jurisdiction where the incapacitated person resides to retain the filing fee of \$5, which accompanies the annual report by the guardian, to be used for services for adults in need. Administrative costs to process and mail the fee exceed the amount of the fee and could fund resources for additional services.

**HB2809 (Athey) Mental health; power of conservator.** Prohibits a conservator for an incapacitated person from revoking or amending a trust or withdrawing or demanding distribution of trust assets without the approval of the court for good cause shown, unless the trust instrument expressly provides otherwise.

**SB1043 (Blevins) and HB2288 (Devolites) Child protective services; investigation procedures.** Requires each local department of social services and school division to adopt a written interagency agreement as a protocol for investigating child abuse and neglect reports against school personnel. When the subject of the child abuse or neglect complaint is an employee of a local school board or employed in a school operated by the Commonwealth, the local department of social services must conduct a face-to-face interview with the employee, and must notify the employee at the onset of the interview of the general nature of the complaint, of the identity of the alleged victim and of his right to have an attorney or other representative present during any interview. The local department must give the employee a written summary of the investigation and an explanation of how the information gathered supports the disposition.

**SB1306 (Ticer) Child protective services; retention of records.** Requires that the records of family assessments shall be retained for 3 years after the date of the complaint or report, rather than the current 1-year retention period. The records will be purged after such 3-year period if there are no subsequent complaints or reports regarding the same child or the person who is the subject of the report in that 3-year period.



The following bills failed:

**HB1740 (Byron) and SB1011 (Howell) Mandatory reporting of child abuse and neglect.** Several bills in the House and Senate addressed the issue of a member of a religious order reporting child abuse and neglect. All were incorporated into one House bill and one Senate bill which basically would have required any regular minister, priest, rabbi, nun, monk or accredited practitioner, including a duly accredited Christian Science practitioner, to report suspected child abuse or neglect to a local department of social services or the Department of Social Services' toll-free child abuse and neglect hotline. The bills did not require the reporting of privileged communications between such individuals and the persons they counsel or advise.

**HB2549 (Christian), and SB749 (Miller, Y.B.) Subsidized guardianship of children living with relative caregivers.** These bills would have directed the Department of Social Services to establish a subsidized guardianship pilot program to expire on July 1, 2006, in at least 3 but no more than 5 areas of the Commonwealth selected by the Department, for the benefit of children in the custody of a local board of social services or other child welfare agency who were living with relative caregivers and who had been in foster care or living with relatives other than natural parents for not less than 18 months. A relative caregiver would have been defined as a person who was caring for a child related to such person where the option of the child's reunification with his natural parents was eliminated and termination of parental rights was not appropriate. The subsidized guardianship program would have included a special-need subsidy, which was defined as a onetime lump sum payment for expenses resulting from the assumption of care of the child, a medical subsidy, and a monthly subsidy on behalf of the child payable to the relative caregiver that equaled the prevailing foster care rate. The Department could have established an asset test for eligibility under the program. The relative caregiver receiving a guardianship subsidy would have been required to submit annually to the Department a sworn statement that the child was still living with and receiving support from the guardian. The Department was required to evaluate and report to the General Assembly on the impact and effectiveness of the subsidized guardianship program. SB 728 (Y.B. Miller) was a similar bill, but did not include a pilot program.

**HB2595 (Brink) Medicaid; eligibility for medically indigent children.** Would have provided for 12-month continuous eligibility for children enrolled in the medically indigent category as permitted by Title XIX of the Social Security Act.

**HB2597 (Brink) Medicaid; presumptive eligibility.** Would have provided for presumptive eligibility of children applying in the medically indigent category for Medicaid and the Family Access to Medical Insurance Security Plan, as permitted by Titles XIX and XXI of the Social Security Act, through qualified entities, including hospitals, health departments and federally qualified health centers.

**HB2831 (Sears) Child protective services; standard of proof.** Would have provided that the standard of proof for a local department of social services to use in determining whether a reported case of child abuse or neglect was founded would be by "clear and convincing" evidence. Currently, the standard of proof is "preponderance of the evidence" and is set by State Board of Social Services' regulation. The bill would have required that any determination that a complaint or report was founded must be based primarily on first source evidence; in no instance could a determination that a complaint or report was founded be based solely on indirect evidence or an anonymous complaint.

**SJR304 (Miller, Y.B.) Kinship care study.** Would have requested the Department of Social Services to study the formulation of a formal kinship care program in the Commonwealth. The Department of Social Services would have been required to determine the extent to which children in foster care were placed with relatives, the costs and sources of funds for kinship care, the current and future policy of the Commonwealth regarding kinship care, the characteristics of kinship caregivers and their households, conditions under which children enter kinship care, services provided to kinship caregivers and to birth parents, birth parents' access to their children in kinship care, and permanency plans for children in kinship care.



## LAND USE

### The following bills passed:

**HB1679 (Rapp) Meetings of the planning commission and board of zoning appeals.** Provides that the planning commission and board of zoning appeals may by resolution fix the day to which any meeting shall be continued if weather or other conditions are such that it is hazardous for members to attend the meeting. Any such finding as to weather conditions shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. This authority is similar to that which currently exists for local governing bodies.

**HB1805 (Carrico) Compliance with subdivision ordinance.** Clarifies that in addition to fines of up to \$500 for each lot or parcel of land that is subdivided, transferred or sold in violation of certain provisions of the subdivision ordinance, the owner shall continue to be required to comply with all provisions of the subdivision ordinance.

**HB1888 (May) Civil penalties for zoning violations.** Raises the maximum civil penalty for second and subsequent violations of the zoning ordinance from \$150 to \$250. The civil penalty for an initial summons remains unchanged at \$100. Also, a series of specified violations arising from the same operative set of facts shall not result in civil penalties that exceed a total of \$5,000, rather than the current total of \$3,000.

**HB2406 (Oder) Comprehensive plan; affordable housing.** Requires localities, as part of their comprehensive plan, to designate areas and implement measures for the construction, rehabilitation and maintenance of affordable housing, that is sufficient to meet the current and future needs of residents of all levels of income in the locality.

**HB2473 (Crittenden) Removal of abandoned nonconforming signs.** Provides that a locality may order the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. This bill is identical to SB 820.

**SB820 (Norment) Removal of abandoned nonconforming signs.** Provides that a locality may order the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least 2 years. This bill is identical to HB 2473.

**SB1013 (Howell) Conservation of trees during localities' development.** Amends current provisions that allow localities to provide by ordinance for the planting and replacement of trees during the development process. Such tree conservation ordinances shall include provisions for the reduction of tree canopy requirements or the granting of tree cover credit in consideration for the preservation of certain trees. Localities may designate certain types of undesirable trees that shall not be used to meet minimum tree canopy requirements. The bill also provides that the new law does not invalidate 10-year-minimum tree cover standards adopted by cities established before 1780, or 20 minimum tree cover replacement standards adopted by localities after July 1, 1990.

**SB1066 (Maxwell) Disposal of trash or cutting of weeds.** Allows localities to prescribe civil and criminal penalties for violations of ordinances related to the disposal of trash and the cutting of grass and weeds. The penalties may be up to \$50 for the first violation and up to \$200 for subsequent violations within 1 year of the first violation. Total civil penalties shall not exceed \$3,000 in a 12-month period. These penalties are in lieu of criminal penalties, except that localities may prescribe a Class 3 misdemeanor in the event of 3 civil assessments against the same defendant in a 24-month period. The bill adds these same provisions to the laws authorizing localities to restrict or remove inoperable motor vehicles on residential or commercial property.

The following bills failed:

**HB1578 (Parrish) Maximum occupancy of certain dwellings.** Would have provided that any locality that has a population greater than 30,000, and has an established program to provide low-income housing through a trust fund or other rental housing program, may adopt an ordinance that provides that the occupancy limitations of the maintenance provisions of the Uniform Statewide Building Code shall apply to dwelling units within the jurisdiction, except that such ordinance may require that habitable spaces such as kitchens, living rooms, dining rooms and family rooms shall not be occupied for sleeping purposes or used in calculating the maximum occupancy of the building. This bill was stricken at the request of the patron.

**HB2242 (Watts) Restriction on number of adults residing in a dwelling unit.** Would have provided that any locality may pass an ordinance limiting the number of adults residing in a dwelling unit. Such an ordinance would be required to include exceptions for: (i) the temporary presence of adults who have a legal residence elsewhere; (ii) adult children, stepchildren, grandchildren, and step-grandchildren; (iii) the parents and stepparents and the grandparents and step-grandparents of adult children; and (iv) caregivers who provide assistance with 2 or more activities of daily living during more than half the year for another adult residing in the dwelling unit. The provisions of such ordinance could not apply to certain group homes and residential facilities. Violations of such an ordinance would have been a civil offense. The patron suggested to the House Committee on Counties, Cities and Towns that another approach to the problem of overcrowding might be through authority to be established by **HB2123 (Reid)**, which had passed the House. Accordingly, the Committee tabled **HB2242**.

**HB2794 (Barlow) Rezoning of certain residential property.** Would have allowed high-growth localities to reduce the intensity or density of a residential zoning classification, including rezoning to a nonresidential use, on a property that has not begun significant development within 8 years of being zoned for residential use.

## PERSONNEL

### The following bills passed:

**HB2270 (Rust) Local employee bonuses.** Grants localities greater flexibility in the awarding of bonuses to employees.

**HB2373 (Sherwood) Background checks required for certain local employees or licensees.** Provides that certain localities shall require any (i) applicant who is offered or accepts employment with the locality or (ii) prospective licensee for any categories of license designated by ordinance to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's or licensee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant or licensee. Such applicant or licensee shall pay the cost of the fingerprinting or a criminal records check or both. The Central Criminal Records Exchange, upon receipt of an applicant's or licensee's record or notification that no record exists, shall make a report to the locality. If an applicant is denied employment or a licensee is denied a license because of the information appearing in his criminal history record, the locality shall notify the applicant or licensee that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided for in this section. This bill is similar to, but not identical to **HB2031 (Peterson)**.

## PUBLIC SAFETY

### The following bills passed:

**HB2505 (Griffith) Expenses incurred in responding to DUI incident.** Expands current provisions allowing reimbursement to localities of expenses incurred in responding to DUI incidents by adding incidents related to other serious traffic offenses such as reckless driving and driving on a suspended license.

### The following bills failed:

**HB1997 (Ware) Concealed handguns in "entertainment establishments."** Would have defined an entertainment establishment as an establishment that provides entertainment and whose sale of alcohol constitutes more than 30 per cent of total sales. The bill would have required such an establishment to clearly post the fact at its entrances and would have removed the prohibition on taking an otherwise legally concealed handgun into a restaurant, replacing it with a prohibition on taking an otherwise legally concealed handgun into an entertainment establishment.

**HB2798 (Cline) Carrying a concealed weapon.** This was an omnibus concealed weapons bill that incorporated a number of specific provisions from originally separate pieces of legislation. Specifically, the bill would have: (i) provided that any order denying issuance of a permit to carry a concealed handgun must state the basis for the denial of the permit and the applicant's right to perfect an appeal; (ii) provided that the clerk of the circuit court must give written notice by mail to the permit holder, at his last known address, of the expiration of his permit at least 60 days prior to expiration; (iii) placed the responsibility for issuance of concealed handgun permits in the hands of the clerk of the circuit court; but left the denial and revocation authority with the court; (iv) eliminated the concealed weapons permit fee for members of the United States Marshals Service who had completed 20 years of service or were aged 55 or older; (v) provided that it was legal to carry a permitted concealed weapon while hunting regardless of the weather, (vi) that traffic misdemeanors did not prohibit one from obtaining a concealed handgun permit, (vii) that the clerk must replace a lost or stolen permit and that the State Police must establish a uniform size and shape for the permit; (viii) provided that a valid concealed handgun permit or license issued by another state would be valid in the Commonwealth provided the permit holder was not a resident of Virginia and, (ix) if the permit did not include a photograph of the holder, require the holder to carry a current state or federal government-issued photo identification. The bill also would have required the Attorney General to enter into reciprocal agreements with the states that require it for recognition of the validity of Virginia concealed handgun permits and removed the requirement that the out-of-state permit holders meet Virginia requirements for issuance.

The bill also would have added retired members of the Law Enforcement Division of the Virginia Marine Resources Commission to those individuals authorized to carry a concealed weapon via a letter from the law-enforcement chief of the last agency that employed them. Under current law, retired state police, sheriff's deputies, and Department of Alcohol Beverage Control Special Agents are so authorized. The bill also would have provided that a valid concealed handgun or concealed weapon permit or license issued by another state would authorize the holder who was at least 21 years of age to carry only a concealed handgun in Virginia. Currently, a concealed weapon permit issued by another state but valid in Virginia would conceivably allow the holder to carry any kind of concealed weapon allowed by that state.

## SCIENCE AND TECHNOLOGY

The following bills passed:

**HB1926 (Nixon), SB1247 (Stosch), and SB847 (Howell)** establishes the Information Technology Investment Board to oversee the Virginia Information Technologies Agency (VITA) in the planning, budgeting, acquiring, managing, and disposing of major information technology projects in the State. Under the bill the Board will hire a Chief Information Officer (CIO) of the State to serve as its chief administrative officer to oversee the day-to-day operations of VITA. This bill makes several significant changes; the Secretary of Technology will no longer be the CIO for the Commonwealth of Virginia, and will be the tenth administrative agency head not to be appointed by the Governor. The Investment Board is made up of ten members, which include 8 nonlegislative citizen members and 2 ex-officio members. The citizen members are appointed by the Governor (4) and the Joint Rules Committee (4). The Secretary of Technology is an ex-officio voting member of the board and the Auditor of Public Accounts is and ex-officio non-voting member of the Board. The term of the CIO will be 5 years.

Overall the Bill basically moves control of IT from the Governor to a group selected by the Executive and Legislative branches of government. The bill also (i) abolishes the Department of Information Technology, the Department of Technology Planning and the Virginia Information Providers Network Authority; (ii) establishes the Division of Project Management within the VITA to assist the CIO in the development and implementation of a project management methodology to be used in the planning and development of information technology projects; (iii) establishes a project planning, development and approval process for major information technology projects; (iv) authorizes the Virginia Public Building Authority to issue debt to finance major information technology projects; and (iv) provides for the consolidation of the procurement and operational functions of information technology for state agencies. The bill also provides an implementation schedule for the consolidation of operational functions, including but not limited to, servers and networks, for state agencies into VITA.

## TRANSPORTATION

### The following bills passed:

**HB1391 (Lingamfelter) Secretary of Transportation; posting of certain trans. information.** Requires the Secretary of Transportation annually, on or before October 1, to post on VDOT's website information on the amount of local, state, and federal funding used to support transportation construction projects in each of the Department of Transportation's highway construction districts. This bill was incorporated into **HB2259 (Rollison)**.

**HB1487 (Rollison) Arterial network of highways.** Eliminates references in the Code to the arterial network of highways and repeals the Acts of Assembly that designate certain highways as part of the arterial network. The bill provides that its provisions are not to be deemed to alter state funding of maintenance, maintenance replacement, construction, or reconstruction of former arterial network projects within the boundaries of any city.

**HB1488 (Rollison) Federal revenue-sharing funds by localities for hwy-related purposes.** Removes references to use of federal revenue-sharing by localities for highway-related purposes; the program under which federal revenue-sharing funds were available to localities has long since been terminated.

**HB1553 (Hargrove) Bicycles.** Revises the definition of "bicycle" (as it applies to Title 46.2, Motor Vehicles) to eliminate references to pedals and seat height. The bill also provides definitions for "bicycle lane," "shared-use path," and "sidewalk"; revises where and how bicyclists are to ride on highways; allows transportation of children under 6 years old on bicycles if they are securely attached to the bicycle in a seat or a trailer designed for young children; and allows but does not require bicycles, electric power-assisted bicycles, and mopeds to display slow-moving vehicle emblems. This bill is the same as **SB1112 (Whipple)** which also passed.

**HB1884 (May) Rural Rustic Road Program.** Encourages use of the Rural Rustic Road program by counties to pave qualifying road segments.

**HB2110 (Barlow) Damaging highway signs; penalty.** Provides that if a person intentionally damages any legally posted highway sign he is guilty of a Class 1 misdemeanor. This bill incorporates **HB2014 (Bell)**.

**HB2259 (Rollison) Commonwealth Transportation Board.** Imposes a statutory requirement (i) for a financial plan with minimum specified content for projects valued at more than \$100 million; (ii) for a periodic report with specific information for every project in the Six-Year Improvement Plan; (iii) for the CTB to offer technical assistance and coordination work with local governments in developing sound transportation planning components to their local comprehensive plans; and (iv) that the CTB adopt the Six-Year Improvement Plan by July 1 of each year. The bill also specifies the parameters and criteria that must be used to adopt a new Six-Year Improvement Plan. This bill is the same as **SB869 (Williams)** except that the sentence, "Project specific information posted on the Internet shall be updated as information is available" does not appear at the end of subdivision (6) of § 33.1-12 in **SB869**. **HB1667 and HB 1668 (Oder)** were both incorporated into this bill.

**HJR594 (Van Yahres) Roundabouts.** Encourages the Department of Transportation to build more roundabouts instead of signalized intersections.

**SB747 (Puller) Old Colchester Road.** Designates Old Colchester Road in Fairfax County between U.S. Route 1 and the old town of Colchester on the Occoquan River a Virginia byway.

**SB1222 (Williams) Urban highway system construction funds.** Provides that payment of urban highway system construction funds may be made in equal quarterly amounts, at the discretion of the city or town receiving them, and shall be reduced, in the case of each city and town, by the amount of federal-aid construction funds credited to each city or town.

**SB1279 (Edwards) Rail Transportation Development Authority.** Establishes, if reenacted by the 2004 Regular Session of the General Assembly, a rail transportation authority to finance or assist in the financing of capital improvements to rail lines and associated facilities.

The following bills failed:

**HB1409 (Black) Commonwealth Transportation Board (CTB).** Would have provided for election of citizen members of the CTB by the General Assembly, one from each Congressional district. There would have no longer been any at-large members. The bill does not apply to CTB members appointed prior to July 1, 2003. This bill was stricken at the request of the patron.

**HB1418 (Black) Impact statements; legislation requiring or authorizing highway construction.** Would have required VDOT to prepare an impact statement including the cost, source of funding, and present and anticipated level of service for legislation requiring or authorizing construction, reconstruction, or improvement of specifically identified highways or highway projects. Cost, funding, and level of service data would have been required to be printed on the legislation, but not codified. The bill was passed by indefinitely in House Rules.

**HB1484 (Rust) Commonwealth Transportation Commissioner.** Would have required the Commonwealth Transportation Commissioner to employ an inspector general. The bill was tabled in House Transportation.

**HB1550 (Marshall, R.G.) Department of Rail Public Transportation (DRPT); Commonwealth Transport (CTB).** Would have provided for the evaluation by DRPT of all rail mass transit projects proposed to be undertaken in any air quality nonattainment area in the Commonwealth and recommendations as to such projects by DRPT to CTB. The bill also would have authorized DRPT to act as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance and/or operation of any such project under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.). Notwithstanding the contrary provisions of the Public-Private Transportation Act of 1995, the provisions of the Public Procurement Act (specifically § 2.2-4342) would have applied, once a contract had been awarded, to procurement documents and procurement transactions related to any contract entered into for any project covered by this bill. The bill was tabled in House Transportation.

**HB1632 (Cosgrove) "Photo-toll" program.** Would have enhanced penalties associated with failure to pay a required toll for using a toll facility using a "photo-toll" toll payment enforcement system and would have explicitly allowed the use of "photo-toll" systems on non-VDOT toll facilities. The bill also would have required that if a vehicle owner submits an affidavit that he was not the operator of the vehicle as to which no toll was paid, he would be required to identify the operator and the bill provided a mechanism by which penalties could be assessed against operators of rented and leased vehicles. The bill was stricken at the request of the patron.

**HB1666 (Oder) Subdivision streets.** Would have repealed the requirement that subdivision streets serve "at least 3 families per mile" in order to be eligible to be taken into the state secondary highway system for maintenance purposes under § 33.1-72.1. The bill was stricken at the request of the patron.

**HB2354 (Hull) Potomac Region Transportation Development Authority.** Would have created the Potomac Region Transportation Development Authority, representing the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The Authority would have been empowered to issue bonds in accordance with applicable law, including the issuance of bonds and other evidences of debt, in order to finance or assist in the financing of transportation projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) within one or more of the Potomac Region localities represented in the Authority. The bill was tabled in House Counties, Cities & Towns.

**HB2377 (Moran) George Fortune, Jr., memorial bridges.** Would have designated the Interstate Route 66 bridges over U.S. Route 29 in Fairfax County the "George Fortune, Jr., Memorial Bridges." No action was taken by the House Transportation Committee.

**HB2383 (Moran) High-occupancy vehicle (HOV) lanes.** Would have repealed the July 1, 2004, "sunset" on use of HOV facilities by vehicles bearing clean special fuel vehicle license plates, regardless of the number of vehicle occupants. This bill was incorporated into **HB 2316 (Plum)**.



## OTHER

### The following bills passed:

#### **HB1449 (Hall) and SB706 (Trumbo) Compensation and expenses of members of collegial bodies.**

Clarifies that the collegial body or the agency that provides support for the work of the collegial body is ultimately responsible for the payment of the compensation and expenses of the members of the collegial body. The bill also clarifies that any payment by the Clerk of the House or the Clerk of the Senate to their respective members for service on a collegial body will be reimbursed by the collegial body or the supporting agency; this affects some State Commissions.

### The following bills failed:

**HB1993 (Bloxom) State recordation tax; additional distribution to localities.** Would have provided that 50 percent of the amount of state recordation tax collected in excess of \$80 million would be distributed, beginning June 30, 2004, and each year thereafter, to the counties and cities based on the percentage of recordation taxes collected in each county and city. The remaining 50 percent would have been deposited in the state's General Fund. The additional amount above \$80 million distributed to counties and cities would have been used for land preservation. The bill was left in the Appropriations Committee.

**SB777 (Blevins) Restriction on unfunded local mandates.** Would have provided that no law shall be enacted by the General Assembly that results in an unfunded net additional expenditure, as defined in § 30-19.03:1, by any county, city, or town. The bill was left in Senate Finance. **SB948 (Houck)** would have provided that any new program or mandate requiring a net additional expenditure by any locality shall not become effective unless an annual appropriation is made from the General Fund to affected localities by the General Assembly at its next Session, such appropriation being sufficient to fund such program or mandate. However, notwithstanding such requirement, a new program or mandate requiring a net additional expenditure would have become effective if the General Assembly: (i) passed such legislation with an emergency clause and provided an estimated amount to fund such mandate or program in the current budget; or (ii) affirmatively voted by a four-fifths vote to pass such legislation without sufficient funding. This bill would not have applied to legislation that impacted traditional or constitutionally required local government responsibilities and functions. The bill was passed by indefinitely in Senate Finance.



## SELECT STUDIES AND RESOLUTIONS

The following study bills/resolutions passed:

**HB2436 (Dillard) Invasive Species Council established.** Establishes the 9-member Invasive Species Council. The Council, which will be composed of executive branch agency heads, and chaired by the Secretary of Natural Resources, is charged with providing State leadership regarding prevention and control of invasive species and preparation of an invasive species management plan. Invasive species are species that are not native to an ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. There is a 2006 sunset on the Council.

**HB2816 (Bolvin) Preparedness and Coordination Program.** Adds the following to the requirements of the State Department of Emergency Management in its administration of emergency services and disaster preparedness programs: (i) coordinating with political subdivisions and state agencies to ensure that the Commonwealth has the most up-to-date assessments and preparedness plans to prevent, respond to and recover from disasters, including acts of terrorism; (ii) conducting a statewide emergency management assessment; and (iii) submitting to the Governor and to the General Assembly an annual report on the status of emergency management response plans. The bill also provides that the Department shall encourage private industries whose goods and services are deemed vital to the public good to provide annually updated preparedness assessments to the local coordinator of emergency management and requires political subdivisions to provide an annual emergency management assessment to the State Coordinator of Emergency Management.

**HJR516 (Callahan) Joint Legislative Commission on Interstate Transportation-VA, MD & DC.** Continues the Virginia-Maryland-District of Columbia Joint Legislative Commission on Interstate Transportation for three years. The Commission provides a forum in which Virginia and Maryland legislators and representatives from the District of Columbia can identify opportunities for and barriers to improved transportation links between the two states and the District of Columbia.

**HJR588 (Callahan) Reliable radio communications for emergency public safety personnel.** Requests the Virginia Department of Fire Programs to study the feasibility of adopting requirements within the Commonwealth that will ensure that buildings are constructed and equipped in such a way that will permit emergency public safety personnel to utilize effective and reliable radio communications while they are within buildings. The study will assess the problem of in-building radio coverage statewide for existing buildings. The Department of Fire Programs is to complete its work by December 1, 2003 and submit an executive summary and report of its written findings and recommendations to the Governor and the 2004 General Assembly.

**HJR604 (Cox) Acclimation of the Commonwealth's ethnically diverse population.** Directs the Joint Legislative Audit and Review Commission to study the acclimation of the Commonwealth's ethnically diverse populations. The Commission is specifically directed to (i) identify the potential needs for State, regional, and local government services to the immigrant populations in the Commonwealth that are unique or typically exceed those of the total general population; (ii) examine the benefits and the costs of the major immigrant populations to the Commonwealth and the Commonwealth's economy; (iii) review federal government policies and programs that affect the immigrant populations in the Commonwealth and that could have an impact on State or local initiatives; (iv) examine options for local, regional, and State governments to facilitate acclimation of the immigrant populations into the Commonwealth's economy and social fabric while preserving ethnic and cultural identity (including a review of initiatives other states have taken in assisting ethnically diverse populations); and (v) recommend changes in the Commonwealth's laws and regulations, as appropriate, to ensure equal opportunity for all ethnic groups.

**HJR631 (Devolites) Court records.** Continues the joint subcommittee studying the protection of court records. The joint subcommittee shall review the findings and recommendations of the Executive Summary of the Supreme Court concerning information in court records and recommend necessary changes in the statutory law.

**HJR651 (Bryant) Taxation of telecommunications industry.** Continues the Joint Subcommittee to Study the State and Local Taxation of the Entire Telecommunications Industry and Its Customers within the Commonwealth for one year. The joint subcommittee shall complete its work begun in 2002 and present recommendations to the joint subcommittee to study and revise Virginia's State Tax Code or any similar group created during the 2003 session by August 1, 2003, and to submit its written findings and recommendations to the Governor and 2004 Session of the General Assembly.

**HJR685 (Oder) Improvement in project and cash-flow management in Department of Transportation.** Requests the Commonwealth Transportation Commissioner to report to the General Assembly on actions taken to improve project and cash-flow management within the Department of Transportation and improvements achieved as the result of such actions.

**SB889 (Watkins) Commission on Unemployment Compensation.** Codifies the study of unemployment compensation, which has existed by resolution since 1977. The Commission shall have 8 members, 3 from the Senate and 5 from the House, and staffing shall be provided by the Division of Legislative Services. The Commission shall have the power and duty to: (i) evaluate the impact of existing statutes and proposed legislation on unemployment compensation and the Unemployment Trust Fund; (ii) assess the Commonwealth's unemployment compensation programs and examine ways to enhance effectiveness; (iii) monitor the current status and long-term projections for the Unemployment Trust Fund; and (iv) report annually its findings and recommendations to the Governor and the General Assembly.

**SJR347 (Hanger) Commission on the Revision of Virginia's State Tax Code and the Streamlined Sales Tax Project Agreement.** Establishes the Commission on the Revision of Virginia's State Tax Code and the Streamlined Sales Tax Project Agreement. In conducting the study, the Commission shall (i) examine the allocation of State and local government services and responsibilities; (ii) conduct a comprehensive review of the revenue impact of all tax preferences, including subtractions, deductions, credits, and exemptions; (iii) evaluate the tax rates for all major state taxes to determine their sufficiency and appropriateness in the modern economy; and (iv) consider the appropriateness of adopting the policies in the Streamlined Sales Tax Project Agreement and identify and evaluate changes that may be needed in Virginia's sales and use tax laws to facilitate Virginia's compliance with the agreement should the General Assembly decide to adopt such policies. The Commission must complete its meetings by November 30, 2003, and submit an executive summary of its findings and recommendations no later than the first day of the 2004 Regular Session of the General Assembly.

**SJR349 (Hanger) Best practices of high-performing schools.** Directs the Joint Legislative Audit and Review Commission (JLARC) to collect data and information regarding best practices at high-performing public schools in the Commonwealth. In collecting such data and information, JLARC is to identify and examine (i) those schools that have performed successfully in meeting the Standards of Accreditation and those who have achieved marked improvement in student and school performance; (ii) specific demographic and other factors that may influence academic success; (iii) practices and demographic information of the best- and poorest-performing school divisions; (iv) successful practices in those high-performing school divisions with marked fiscal or other challenges; and (v) such related issues as it deems appropriate.

**SJR354 (Edwards) Railroad Freight and Passenger Transportation in Virginia.** Requests the Virginia Department of Rail and Public Transportation to study the Virginia Rail Transportation Development Authority to finance improvements to railroad freight and passenger transportation in Virginia. In conducting its study, the Department shall: (i) analyze the feasibility of various options to finance improvements to railroad freight and passenger transportation in Virginia, including strategies that may be considered by the Virginia Rail Transportation Development Authority, pursuant to SB 1279 (2003); (ii) conduct a literature search of national best practices relative to creating rail authorities and other relevant issues; (iii) examine how the Virginia Rail Transportation Development Authority can finance and facilitate financing of the acquisition, construction, repair, improvement, and extension of rail facilities, including rolling stock and infrastructure that the Authority determines to be in the public interest; and (iv) recommend the appropriate structure, powers and duties of the Authority, and revenue and sources of revenue needed to perform its responsibilities. The Virginia Department of Rail and Public Transportation must complete its meetings by November 30, 2003, and submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a document.

**SJR355 (Edwards) Local delinquent tax sale process.** Directs the Commission on Growth and Economic Development to study the local delinquent tax sale process to examine ways in which the existing state statutes may be unnecessarily complicated, time-consuming, or costly to localities. The Commission shall submit its findings and recommendations to the Governor and the 2004 Session of the General Assembly.

**SJR357 (Mims) Housing Study Commission.** Directs the Virginia Housing Study Commission to study: (i) the report of the Housing Needs Assessment Project conducted by the Virginia Housing Development Authority and the Department of Housing and Community Development to address issues raised in such report; (ii) the development of a statewide housing policy; (iii) the mechanisms by which commercial and residential real estate transactions address the amelioration of mold and mildew; (iv) the mechanisms by which housing that promotes the concept of visitability can be incorporated into programs that utilize public funding to foster the production of single family housing; and (v) the need to establish a comprehensive elevator safety program to protect the safety of, and prevent serious injury to, the public using elevators and employees performing services to elevators in the Commonwealth.

The following resolutions failed:

**HJR517 (Lingamfelter) Telecommuting.** Would have established a joint subcommittee to study barriers and impediments to telecommuting in the public and private sectors of the Commonwealth. The resolution was tabled in House Rules.

**HJR562 (Petersen) Standards of Quality (SOQ) funding.** Would have created a joint subcommittee to study the allocation of funding for the Standards of Quality in the Commonwealth. In conducting its study, the joint subcommittee would have been directed to examine, among other things, current statutory, constitutional, and budget provisions governing the calculation of SOQ costs and funding; the recommendations of the 2002 JLARC review of elementary and secondary school funding; local revenues supporting public education and the current allocation formula; school funding formulas and equalization plans in other states; the work of recent and ongoing study committees relevant to school funding concerns; and such other issues as it deems appropriate. This study was passed by indefinitely in House Rules.

**HJR584 (Purkey) Public-private funding of studies.** Would have directed the Joint Legislative Audit and Review Commission, with the assistance of the Attorney General, to study the appropriateness and feasibility of creating public-private partnerships for funding studies that benefit the Commonwealth. The Commission would have been directed to examine (i) public-private study partnerships in other states; (ii) the feasibility and appropriateness of implementing any such partnerships in the Commonwealth on a pilot project basis; and (iii) constitutional, financial, and policy issues regarding the creation of hybrid public-private studies. The Commission was to develop criteria for determining what studies should receive public-private funding and a process and criteria for soliciting, accepting and distributing private funds. The resolution was killed in Senate Rules.

**HJR593 (Jones, D.C.) School bus safety.** Would have requested the Department of Education to study school bus safety in the Commonwealth. In conducting its study, the Department would have been requested to consider: (i) current state and federal school bus safety requirements; (ii) the work and recommendations of other transportation safety agencies and organizations, such as the National Highway Traffic Safety Administration; (iii) school bus safety initiatives in other states; (iv) fiscal and policy issues concerning the installation of various safety features in public school buses; and (v) such other matters as it deemed appropriate. The resolution was tabled in House Rules.

**SB1054 (Hanger) Continuing the Commission on Educational Accountability.** Would have continued the 18-member Commission on Educational Accountability (SJR 498-1999) to monitor the implementation of the federal No Child Left Behind Act, the Standards of Learning assessments, and the Standards of Accreditation, and such other matters affecting educational accountability in the Commonwealth's public schools as it deems appropriate. However, the bill was tabled in Senate Rules.